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United States Department of the Interior  
Timbisha Shoshone Tribe

# Final Legislative Environmental Impact Statement Timbisha Shoshone Homeland

## VOLUME II



Lead Agency



Cooperating Agencies

November 2000



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**UNITED STATES DEPARTMENT OF THE INTERIOR  
TIMBISHA SHOSHONE TRIBE**

**Final Legislative Environmental Impact Statement  
Timbisha Shoshone Homeland**

**VOLUME II OF III:  
INTRODUCTION  
PUBLIC COMMENT LETTERS  
PUBLIC COMMENT RESPONSES  
INDICES**

**NOVEMBER 2000**

Prepared for:

Lead Agency

National Park Service  
United States Department of the Interior

Cooperating Agencies

Bureau of Land Management  
United States Department of the Interior

United States Fish and Wildlife Service  
United States Department of the Interior

Bureau of Reclamation  
United States Department of the Interior

Bureau of Indian Affairs  
United States Department of the Interior

Nye County, Nevada

1.0 INTRODUCTION

2.0 PUBLIC COMMENT  
LETTERS

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



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## FOREWORD

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The *Timbisha Shoshone Homeland Final Legislative Environmental Impact Statement* (LEIS) is composed of the following volumes:

### VOLUME I

This volume presents the draft LEIS with revisions that incorporate changes to text as a result of responding to public comments or new information. This volume includes the following chapters:

Executive Summary

Chapter 1.0 — Introduction

Chapter 2.0 — Description of Proposed Action, No Action, and Alternatives Considered  
But not Brought Forward for Analysis

Chapter 3.0 — Description of Environment and Affected Resources

Chapter 4.0 — Description of Potential Environmental Consequences

Chapter 5.0 — Consultation and Coordination

Chapter 6.0 — Acronyms and Glossary of Terms

Chapter 7.0 — Distribution List for the Final LEIS

Chapter 8.0 — References

Chapter 9.0 — Index

### VOLUME II

This volume presents a summary of comments raised by the public, reproductions of the public comment correspondence, and responses to those comments.

### VOLUME III

This volume presents 26 appendices that provide additional data and technical information referenced in Volume I of the final LEIS.



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**TIMBISHA SHOSHONE HOMELAND DRAFT LEIS  
LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT  
VOLUME II**

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## 1.0 INTRODUCTION

### 1.1 RESPONSE TO PUBLIC COMMENTS

Volume II of the *Timbisha Shoshone Homeland Legislative Environmental Impact Statement* (LEIS) presents comments received during the public review and comment period and responses to those comments.

Chapter 1.0 of this volume summarizes the public involvement process, and details the format used for government responses to comments received. Chapter 1.0 also discusses additional activities undertaken and information obtained since publication of the Draft LEIS. Major topics of concern raised during the public comment process are discussed in Chapter 3.0.

Chapter 2.0 contains reproductions of correspondence (letters, electronic mail, and comment forms provided to attendees at the public meetings) received during the public comment period. Each correspondence item has an LEIS number and has been coded to identify comment topics. Chapter 3.0 contains responses to comments according to coded topic categories. Chapter 4.0 contains three indices for the public comment correspondence: (1) 4.1 Index by Author (public comment letter by author and LEIS number); (2) 4.2 Index by LEIS Letter Number (LEIS number, author, and comment codes); and (3) 4.3 Index by Topic (Comment code categories and the LEIS numbers of letters containing comments on that topic).

### 1.2 HISTORY OF PUBLIC INVOLVEMENT

**Public Review Periods.** The public review and comment period for the LEIS began with the Environmental Protection Agency's notice of availability in the *Federal Register* on May 19, 2000. In response to several requests, a 10-day extension of the public comment period was announced the week of June 19, 2000, by National Park Service (NPS) and Bureau of Land Management (BLM) in the *Federal Register* and in press releases. A second 10-day extension was announced on July 18, 2000. The public review period concluded on August 21, 2000, after a total of 95 days. All comments were examined and considered by NPS and BLM pursuant to the National Environmental Policy Act (40 CFR 1503).

**Draft LEIS Distribution.** Mail-back cards were provided to those individuals commenting on *The Timbisha Shoshone Tribal Homeland: A Draft Secretarial Report to Congress to Establish Permanent Tribal Land Base and Related Cooperative Activities* during the summer of 1999 as well as to those on the project mailing list in January 2000. Based on the return of the mail-back cards, a distribution list was developed for the Draft LEIS. All those on the mailing list were forwarded a copy of Volume I of the Draft LEIS. The Appendices were available on request. The initial mailing of documents, based on the mailing list, was completed by May 9, 2000. Appendices were also available at area offices of BLM and NPS. Volume I and Volume II (Appendices) of the Draft LEIS were provided to federal repository libraries as well as ten public libraries located in the surrounding communities. Although there was a delay in posting on the World Wide Web, both volumes of the Draft LEIS were available on the BLM website by the end of May 2000.

**Public Meetings.** From June 5 through June 10, 2000, a total of four public meetings were conducted in Ridgecrest and Lone Pine, California, and Goldfield and Tonopah, Nevada. Meeting times and locations were announced through *Federal Register* notice as well as press releases issued by NPS and BLM to various news publications and radio and television sources. Staff from agencies responsible for preparing the report (NPS, BLM, Timbisha Shoshone Tribe, and Harding Lawson Associates) answered media questions.



A fifth public meeting was held on August 10, 2000, in Lone Pine, California, to discuss the status of water studies. Approximately twenty-three people attended. Of primary concern was the question of whether groundwater removal at the proposed Centennial parcel would adversely affect water supply for the town of Darwin. A BLM representative presented information based upon additional hydrologic and geological investigations that were concluded following release of the Draft LEIS.

**Final LEIS Distribution.** A second mail-back card was distributed to all persons who commented on the Draft LEIS asking them if they would like a printed or CD-ROM copy of the Final LEIS. The Final LEIS is being distributed to all individuals who received the Draft LEIS. All three volumes of the Final LEIS are available for review at BLM offices, Death Valley National Park Headquarters, and at area libraries. The Final LEIS will be posted on the NPS Death Valley National Park website ([www.nps.gov/deva](http://www.nps.gov/deva)).

### 1.3 SUMMARY OF PUBLIC COMMENT

A total of 235 individual letters were received from government agencies, businesses, special interest groups, and individuals during the public comment period. Of these, 214 contained comments that were substantive in nature (i.e., statements or questions that required additional explanation, analysis of data, or those that suggested alternative conclusions derived from the analyses presented in the Draft LEIS). All letters received during the public comment period are reproduced in Chapter 2.0.

Several comments focused on two related issues: (1) whether there is a connection between the water source for the town of Darwin and Centennial parcel and (2) whether water at the Centennial parcel would be of sufficient quantity and quality to support the purposes associated with the transfer of land.

During the fall of 1999, the Bureau of Reclamation (BOR) contracted with the U.S. Navy Seabees based out of Port Hueneme, California, to drill a test well at Centennial Flat. The well was drilled to a depth of 1,000 feet. Complications on the site resulted in the well casing reaching a depth of only 720 feet. After drilling to 218 feet below ground level, an initial water level was observed; however, the water level in the well dropped continuously over the next several months and eventually settled at approximately 618 feet in August 2000. Navy personnel bailed the well and a pump test was planned for a later date. Because of the large amount of drilling, mud was still present in the well when BOR decided to perform a second bailing operation and attempted to determine the feasibility of a pump test. Attempts to bail the well in August 2000 resulted in little inflow or response from the aquifer.

Section 5 (ii) of the Timbisha Shoshone Homeland Act (Senate Bill 2102) provides that, in the event the Secretary of the Interior determines there is insufficient groundwater available at the Centennial parcel, the Tribe and the Secretary shall, within two years of such determination, identify a substitute parcel of approximately 640 acres of land with an adequate water supply that is administered by BLM in the same portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center.

An evaluation of these water issues was summarized in *A Technical Report: Darwin Water Supply and Lower Centennial Flat Water Resource Evaluation* (Volume III, Appendix V) authored by BLM and a State of California certified hydrologist from Harding Lawson Associates. The report examined available data to assess whether or not there was a reasonable likelihood of a hydrologic connection between the water source for Darwin, California, (Coso Spring, located on China Lake Naval Weapons Station) and the possible groundwater source for the Centennial parcel. Based on available information, the report found that geologic and hydrologic data do not support the conclusion that the aquifers supplying Coso Spring and groundwater for Centennial Flat are hydrologically connected.



## 1.4 RESPONSES TO SUBSTANTIVE COMMENTS MADE ON THE DRAFT LEIS

### Purpose of Final LEIS and Methodology

The Final LEIS is intended to provide an accurate analysis of the impacts of the Proposed Action and alternatives. Public and agency review of the Draft LEIS helps to ensure its high quality.

NPS received 235 comment letters on the Draft LEIS. Many of the questions and comments were also delivered orally at the five public meetings conducted between from June through August 2000. NPS and BLM reviewed and responded to all comments that were substantive in nature such as statements or questions that required additional explanation, analysis of data, or those that suggested alternative conclusions derived from the analyses presented in the Draft LEIS. Statements supporting or opposing the Proposed Action did not constitute substantive comments related to the content of the Draft LEIS, and as such did not require responses.

### How to Use This Document—Summary of Public Comment Topics

Substantive comments are addressed in Chapter 3.0 (Volume II) and, as appropriate, with changes in the text of Volume I. Clarifications and modifications to the text of Volume I of the Final LEIS were incorporated and are presented in underline (inserted text) and strike-out (deleted text) format to assist the reader in identifying areas with additional information or clarification.

Because many of the comments addressed the same issues, NPS and BLM coded each public comment letter according to its substantive comments, which are grouped by topic (e.g., Saline Valley, wildlife, and water studies) (see Chapter 2.0, Public Comment Letters). A summary of the specific comments was prepared for each substantive comment category and direct responses are provided.

The pairing of the comment summaries and agency responses in Chapter 3.0 (Volume II) allows the reader interested in a particular topic to simultaneously review the substance of the issue and the response. Where it was considered helpful to the presentation of information, the text of a response, correction, or clarification have also been integrated into the Final LEIS (see underlined (inserted) text) to allow the reader to more fully evaluate the document's content and conclusions. This approach provides the public with a final document that presents a complete picture of the overall proposal, and its alternatives and associated impacts.

All public comment correspondence has been reproduced in the order in which it was received in Chapter 2.0 (Volume II).

The following provides a list of public comment codes that define the topics of concern. These codes are not intended to define the actual public comment but rather to provide a user-friendly means for the reader to find his or her public comment(s) and the associated response(s).

- **AQ**      Air Quality—This topic of concern includes issues pertaining to the Centennial parcel, PM-10, and Owens Lake.
- **C**      Centennial—This topic of concern includes issues pertaining to the Centennial parcel.
- **DV**      Death Valley National Park—This topic of concern includes issues pertaining to Death Valley National Park.
- **DVJ**      Death Valley Junction—This topic of concern includes issues pertaining to the Death Valley Junction parcel.



- **E1A**      Editorial-Procedural (Public Involvement and Availability of Draft LEIS)—This topic of concern is editorial in nature and is not specific to the contents of the LEIS. This editorial comment subcategory addresses the process used to incorporate public comments into the Draft LEIS and the availability of the Draft LEIS.
- **E1B**      Editorial-Procedural (LEIS Consistency with NEPA and Tribal Management of the Lands)—This topic of concern is editorial in nature and is not specific to the contents of the LEIS. This editorial comment subcategory addresses the issue of whether the LEIS is consistent with NEPA as well as concerns regarding tribal management of the identified lands.
- **E1C**      Editorial-Administrative (Cultural Resource Compliance)—This topic of concern is editorial in nature and is not specific to the contents of the LEIS. This editorial comment subcategory addresses Section 106 of the National Historic Preservation Act and its applicability to the Proposed Action and the public’s access to the cultural resource document cited in the Draft LEIS, which supports the historical significance of the parcels and lands subject to cooperative activities/special uses.
- **E1D**      Editorial-Procedural (Quantitative and Qualitative Information Provided and Studies Performed)—This topic of concern is editorial in nature and is not specific to the contents of the LEIS. This editorial comment subcategory addresses quantitative and qualitative information provided in and studies performed for the Draft LEIS.
- **E1E**      Editorial-Procedural (Alternative Sites)—This topic of concern is editorial in nature and is not specific to the contents of the LEIS. This editorial comment subcategory addresses the issue of alternative locations for land transfers.
- **E1F**      Editorial (Willing Seller)—This topic of concern is editorial in nature and is not specific to the contents of the LEIS. This editorial comment subcategory addresses the question of what constitutes a “Willing Seller.”
- **E1G**      Editorial-Technical (Inaccuracies)—This topic of concern is editorial in nature and is not specific to the contents of the LEIS. This editorial comment subcategory addresses inaccuracies within the Draft LEIS.
- **E1H**      Editorial-Terminology (Clarifications and Additions)—This topic of concern is editorial in nature and is not specific to the contents of the LEIS. This editorial comment subcategory addresses clarifications and additions to the substantive text of the LEIS.
- **E2**      Editorial (Extension of Public Comment Period)—This topic of concern is editorial in nature and is not specific to the contents of the LEIS. This editorial comment subcategory addresses the length of public comment period.
- **HM**      Hunter Mountain—This topic of concern includes issues pertaining to Hunter Mountain.
- **HT**      Hunting—This topic of concern includes issues pertaining to hunting within and outside Death Valley National Park.
- **HU**      Historical Uses—This topic of concern includes issues pertaining to the Timbisha Shoshone Tribe’s historical uses of lands identified for transfer and lands subject to cooperative activities/special uses.



- **IR**      Indian Rancheria—This topic of concern includes issues pertaining to the Indian Rancheria parcels, including the concept of willing purchasers, water rights, geographic location of the parcels, and the historical location of Indian Rancheria.
- **MG**      Mining and Gaming—This topic of concern includes issues pertaining to mining and gaming on lands identified for transfer and lands subject to cooperative activities/special uses.
- **M1**      Cooperative Agreements—This topic of concern includes issues pertaining to cooperative agreements and whether they would be consistent with NEPA as well as BLM and NPS management plans.
- **NS**      Night Sky (Visual Resources)—This topic of concern includes issues pertaining to light pollution and visual resources at the Centennial parcel.
- **P1**      LEIS and EIS—This topic of concern includes issues pertaining to substantive and procedural differences between a Legislative Environmental Impact Statement (LEIS) and an Environmental Impact Statement (EIS).
- **P2**      LEIS and Death Valley National Park General Management Plan—This topic of concern includes issues pertaining to the DEVA General Management Plan and its effect on the LEIS.
- **P3**      Transfer of Land into Indian Reservation Status—This topic of concern includes issues pertaining to the actual process and precedent established by creating a homeland for the Timbisha Shoshone Tribe.
- **P4**      Process—This topic of concern includes issues pertaining to NEPA requirements, comment extensions, and public meetings.
- **SC**      Scoping Process—This topic of concern includes issues pertaining to the inclusion of scoping comments.
- **SE**      Socioeconomics—This topic of concern includes issues pertaining to effect of the Proposed Action on tax revenues and employment, and the issues of environmental justice and public services such as law enforcement and utilities.
- **SV**      Saline Valley—This topic of concern includes issues pertaining to Saline Valley including geographic location, water availability, public access to springs, and cooperative agreements.
- **TR**      Trona—This topic of concern includes issues pertaining to the town of Trona.
- **T1**      Trust—This topic of concern includes issues pertaining to the process of establishing a homeland by transferring lands to the BIA in trust for the Timbisha Shoshone Tribe.
- **WL**      Wildlife—This topic of concern includes issues pertaining to the takings clause, listed threatened and endangered species, and wildlife surveys performed for the LEIS.
- **WR**      Wildrose—This topic of concern includes issues pertaining to Wildrose.



- W1      Darwin—This topic of concern includes water issues pertaining to the town of Darwin, including water sources, water availability, and the effects on Darwin stemming from the transfer of the Centennial parcel.
- W2      Water Studies and Water Rights—This topic of concern includes issues pertaining to water studies including the potential effects of the Proposed Action on wildlife water sources and the sustainable water yield for each parcel identified for transfer.

### **Organization of Comments and Responses**

There are three indices pertaining to the comments received on the Draft LEIS, which are presented in Chapter 4.0 (Volume II). The first index, “4.1 Index by Author,” alphabetically lists substantive comment letters by agency, group, or individual. The second index, “4.2 Index by LEIS Letter Number,” lists all letters in order of receipt with the author and topic of concern codes. The reader can find the government’s response to his or her comment letter by referring to the appropriate comment code and response presented in Chapter 3.0 (Volume II). The third index, “4.3 Index by Topic,” presents the major topics of concern by code followed by a list of LEIS numbers for each comment letter that addressed that topic.



4.2 INDEX BY LEIS  
LETTER NUMBER

2.0 PUBLIC COMMENT  
LETTERS

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR









THOMAS S. BUDLONG  
3216 MANDEVILLE CANYON ROAD  
LOS ANGELES, CA 90049-1016

LEIS-001

MAY 10

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR

May 7, 2000

Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley, CA  
92328

Dear Sir,

I received a copy of the Draft Legislative Environmental Impact Statement, Timbisha Shoshone Homeland.

This letter contains no opinions or comments. It contains only questions that are not answered in the LEIS. Answers to these questions will clarify points in the LEIS and are necessary to understand and evaluate the LEIS and to intelligently comment on the LEIS.

1. All parcels in question are identified by maps or other description, except the 120 acres of Indian Rancheria in Saline Valley. The description of the Indian Rancheria area on page 28 (3.2.2.1.2) includes areas from Waucoba Spring all the way south to the Hunter Ranch area, a distance of some 20 miles or so. Please identify these parcels that make up the 120 acres. IR-01

2. All parcels to be purchased, with the exception of the 120 acres of Indian Rancheria in Saline, contain the clause "willing seller". Is this an unintentional omission, or is it the intention to purchase these parcels if the present owner is unwilling? IR-02

3. Among the listed possible uses of the some parcels, including Centennial and Death Valley Junction is "small scale economic development". This description is judgmental, and requires definition. Please provide a definition of the term "small scale economic development". E1H-03

4. Page 16 talks about a "pilot demonstration project regarding management of the [Saline Valley] springs". No further explanation is provided. What is intended for a pilot demonstration project? M1-04

5. Page 29, at the bottom, under the heading "Saline Valley Springs", the description of cultural resources for the springs is referenced to 3.2.2.1.2, on the previous page. But the referenced section does not describe cultural resources at the springs. And, I can't find in the rest of the LEIS description of SV-05

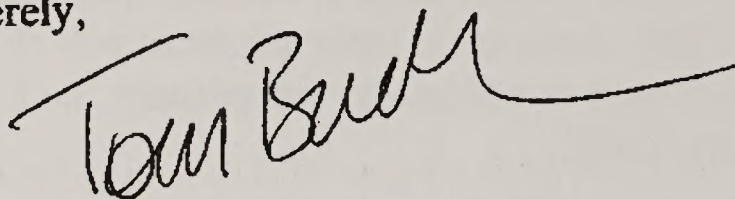


cultural resources at the springs. Please describe cultural resources at the springs. |

6. Page 46 talks of an exploratory well drilled near the Centennial parcel. C-06  
Other than on page 89 ("the well encountered water"), no results of this exploration are given. Please provide results. |

7. The website address given in the cover letter,  
<http://ww3.iwvisp.com/blm/report> requires a password for access. What  
password should I use, or is there another way to access the site? E1A-07 |

Sincerely,



Tom Budlong

Voice: 310-476-1731

Fax: 310-471-7531

email: [budlong@who.net](mailto:budlong@who.net)



Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley, CA 92328

May 7, 2000

12

Dear Sir:

I would like to comment on the Draft Legislative Environmental Impact Statement for the Timbisha Shoshone Homeland.

The areas selected for transfer into trust from the NPS, BLM or bought from private owners seem to be small and of minimal impact. I am more concerned that the whole process has not been well thought out in terms of the integration of these isolated parcels with the Proposed Timbisha Natural and Cultural Preservation Area. The LEIS gives the impression that not only are lands to be dedicated for the Timbisha immediately around current developed sites, but additional rights and privileges within Death Valley National Park are to follow. There are numerous references in the LEIS to agreements that are to be reached at some time in the future regarding traditional uses.

M1-01

Agreements that are reached when the tribe numbers 279 may lead to impacts to the Park when the tribe grows in number. The LEIS makes it clear that some forms of traditional use, nut gathering, mesquite harvesting, and small game hunting will be permitted.

The Park currently allows varmint hunting and other collecting of animals and plants. What will be the cumulative impacts of the pressure from both traditional and new users of the same resources? Grazing is currently allowed and seriously lowers the ability of the lands to support additional consumptive uses. Is grazing a traditional activity and will it be fostered? Will the Timbisha be allowed to practice historic land alterations such a burning? The range conditions on most of the land in the American west are still in poor shape due to over grazing and invasion of exotic species. I believe that Death Valley should be allowed to recover before native practices are resumed so that the effects can be monitored and evaluated.

DV-02

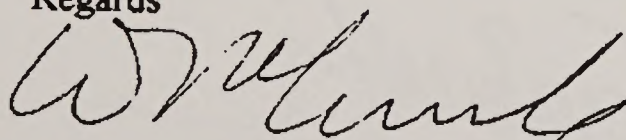
I am concerned about the precedent that this sets. What other tribes will demand that National Parks be opened to their uses or that land be put into trusts for them?

E1B-03

I would like to have a clearer view of the nature and extend of activities that are proposed for the Natural and Cultural Preservation Area. I feel this is needed to not raise expectations of the tribal members nor to transgress the purposes of the Park.

M1-04

Regards



William T. McCarvill  
330 Knottingham Circle  
Livermore, CA 94550

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



THOMAS S. BUDLONG  
3216 MANDEVILLE CANYON ROAD  
LOS ANGELES, CA 90049-1016

LEIS-003

May 13, 2000

Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

Dear Sir,

1) The April 5, 2000 cover letter in the DLEIS, Timbisha Shoshone  
Homeland report states that both volumes of the report are available on the  
internet at <http://www3.iwvisp.com/blm/report>.

E1A-01

All I can find is the old draft report that was issued almost a year ago. The  
DLEIS is not there.

Am I missing it?

Or is it really not there?

If it is not there, when will it be there?

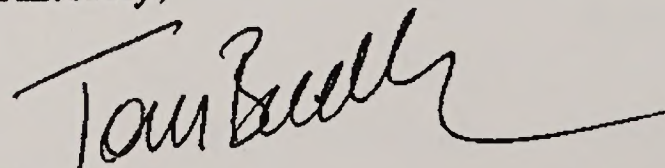
2) The inside of the front cover of the DLEIS states the 60-day comment  
period starts with publication of a notice in the Federal Register. Since it is  
impractical for me to scan the Federal Register each day for such a notice, or to  
scan past registers in case the notice has already been published, please tell me  
when the period starts and when it ends.

E1A-02

3) Please notify me of all public meetings concerning this DLEIS.

I've enclosed a stamped, self-addressed envelope to make it more  
convenient for you to reply.

Sincerely,



Tom Budlong  
Voice: 310-476-1731  
Fax: 310-471-7531  
email: [budlong@who.net](mailto:budlong@who.net)



Author: KautzJ@immunex.com at np--internet

Date: 05/17/2000 12:01 PM

Normal

TO: DEVA Superintendent at NP-DEVA, senator@inouye.senate.gov at NP--INTERNET,  
senator@feinstein.senate.gov at NP--INTERNET, senator@boxer.senate.gov at NP--INTERNET

Subject: Against Timbisha Homeland Proposal

----- Message Contents

To

Dick Martin, Superintendent,  
Senator Daniel Inouye,  
Senator Dianne Feinstein, and  
Senator Barbara Boxer

I am strongly against the Timbisha Homeland proposal. Taking public land that currently anyone can use and turning it over to a select few hardly seems fair. I feel that individuals who currently visit the springs have done a great job in minimizing the impact to the environment and keeping the springs as natural as possible. Based on my observations, I fear that if the land is turned over to the tribe this will longer be the case. Additionally, my understanding is that there is little evidence that the tribe ever used the springs for special ceremonies. My greatest fear is that the tribe would turn the springs into a commercial profit making center for themselves.

E1B-01

HU-02

Public land is meant to be used by ALL not a select few. I urge you to vote against this proposal.

Thank you

Janet Kautz  
33638 SE 55th St  
Fall City, WA 98024  
425-222-6278



Lawrence Kraus  
Box 3  
Darwin, Ca. 93522

Dick Martin  
Superintendent, Death Valley National Park  
P.O. Box 579  
Death Valley, Ca. 92328

May 15, 2000

Superintendent.

I've recently looked through the draft LEIS prepared in support of the Timbisha Shoshone Homeland. I can appreciate the effort that went into compiling it and the difficulty of reconciling all the various interests which will or might be impacted by it.

Unfortunately I have to be critical. I don't feel the residents of Darwin have been fairly treated or their situation adequately or even seriously considered. Here's why;

The report establishes a priority list of water rights.

At the top is Amfac (Fred Harvey) with appropriative water rights "...prior and superior to any rights of the United States.." (page 38). Elaboration and justification takes half a page.

Next comes mining claims, state land, BLM wilderness, DWP, Wild Horse management, endangered species; "The Centennial parcel was located to avoid state land, mining claims, and a BLM Wilderness Area. This parcel is subject to a withdrawal by the DWP." Page 18.

And "The lower Centennial area was dismissed because it is located within a Wild Horse Management Area, a section of the area is within a Wilderness Area. Endangered species are present at the site. In addition, it is located within DWP's watershed withdrawal and adjacent to a large state school area, and includes A spring appropriated for cattle use.

Encumbrances at Centennial Springs included DWP watershed withdrawal, rocky Access, water appropriated for cattle, mining claims, and its location in a Wild Horse Management Area"

Page 22

And finally.....us. We are not listed in the demographic report of pages 53 and 54. Our private land is not mentioned on page 58. And nowhere are we said to have water rights, only "concerns". Page 89

Our "concerns" are given appropriate consideration;

".....Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat. Geologic and hydrologic data do not support this assertion, but adverse effects on groundwater availability cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality. Small-scale withdrawals associated with limited residential uses would not be expected to adversely affect supplies at Darwin".

That is from page 89. The authors are anonymous but the report was approved by John Reynolds, Regional Director of the National Park Service, and Al Wright and Bob Abbey, State Directors of the BLM. It seems to be thorough, to the point, and well researched.

However there are some problems;

- 1) There are NO WELLS IN DARWIN.
- 2) There is NO GROUNDWATER IN DARWIN. The Darwin mine has 52 miles of tunnel dug down to a depth of 1600 feet. They never found water. They had to pump it up more than a 1000 feet from a source nearly 10 miles away. Do you think they would have incurred that expense if they didn't have to? In a hundred years they weren't able to improve on the situation.

W1-01



- 3) The town of Darwin gets its water from a spring 7 miles distant and more than 700 feet higher. Our spring is one of several in the area, all at about the same elevation. Even in Mulholland's day they would have recognized that all these springs are probably fed by the same aquifer. Our spring is small and is capable of delivering only about 17 gallons per minute and our dam and supply pipe are only able to capture about 1/3 of that (recently nearly doubled by the addition of a solar pump). Because of this we have had a moratorium on building for nearly 10 years.

These facts are fundamental to an understanding of our situation and for our concern about how additional demand on the aquifer might affect it. They are well known and are easily available in the Darwin specific plan (on file in Independence), in the zoning ordinances, and through the most minimal conversation with our water board or almost any town resident.

The authors had NO KNOWLEDGE of any of this. They did NO RESEARCH, ANALYZED NOTHING. They made up the whole thing. They didn't even bother to read their own researcher, Tom Bellinger who supervised drilling of the exploratory well, on page 2 of the references, shows that he knows where we get our water. But Bellinger is not much better. He asserts the water table at is about +245 feet while at the same time saying the water level in the well is far from stabilized. He has not pumped the well or drilled a second monitor well yet asserts that there is probably enough water "for at least several houses", and that the pumping is unlikely to affect the groundwater level farther than a mile away. Page 2. Worse he says; "Pumping will not impact other communities because the groundwater

In the Lower Centennial Flat basin is not connected to nearby community  
Water sources. Coso Spring, over 10 miles south at an elevation of about  
5400 feet, is the water supply for Darwin"

Page 2

On Page 35 of the LEIS the Owens Lake Groundwater Flow system is described. It states what is obvious common sense; that water flows downhill from the mountains, through the valleys, to Owens Dry lake any way it can, following the lines of least resistance - on the surface, through cracks, around obstacles.

On page 46; "Groundwater resources in the area are generally not well known."

"....runoff from the Coso Range flows onto the site via three defined channels

Trending southwest-to-northeast. ....One well-defined channel

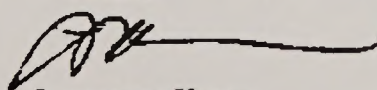
And several poorly defined channels enter the site from the south....."

In plain English our spring is in the middle of the main supply route to the Centennial Flat aquifer and more than 1000 feet higher.

On Page 93, and elsewhere, residential AND SMALL-SCALE COMMERCIAL DEVELOPMENT are what is proposed. How many houses and what sort of commercial development is not specified. None the less we are assured, again in several places, that they would generate a "negligible" demand for water.

I showed you around our town. You were in my house. You are aware that many of us have made a substantial investment in time and money to make this a nice place to live. Like everyone else we need water. Take away our water and you take away our homes. For a government to do that to its citizens without due process and adequate compensation is considered sufficiently evil that the Constitution expressly prohibits it. I want to believe the errors which I've referred to will be addressed and corrected and were not deliberate, but I'm aware that the political calculus is against us. Unfortunately I feel it necessary to consult a lawyer and take whatever other steps I can to protect myself.

Yours,



Lawrence Kraus

Copies to: Senator Dianne Feinstein, Congressman Jerry Lewis, Supervisor Mike Derame, NPS Regional Director John Reynolds



Author: "Kevin K.Tice" <kktice@earthlink.net> at np--internet  
 Date: 05/18/2000 2:10 PM

Normal

TO: DEVA Superintendent at NP-DEVA, <senator\_murray@murray.senate.gov> at NP--INTERNET,  
 <Senator\_Gorton@gorton.senate.gov> at NP--INTERNET,  
 <senator@inouye.senate.gov> at NP--INTERNET,  
 <senator@feinstein.senate.gov> at NP--INTERNET,  
 <senator@boxer.senate.gov> at NP--INTERNET, <dunnwa08@mail.house.gov> at NP--INTERNET  
 CC: <spa@majorproduction.net> at NP--INTERNET  
 Subject: Death Valley NP, Timbisha Prop  
 ----- Message Contents

I am writing to once again express my disapproval of the Timbisha Homelands Proposal as it currently stands. In particular, the proposal as it relates to the Saline Valley and the Hot Springs of the Saline Valley. This proposal is flawed in every way possible. This proposed land give-away goes against everything that is just and right. As such, I urge each and every one of you to oppose this proposal in whatever manner possible and appropriate.

This proposal violates common-sense measures of fairness. It would give away National Park Land, (probably without precedent) and gives it to the control of a small, but vocal group. To date, there has been overwhelming public opposition to this give-away of public lands. These public lands are owned by and belong to every United States citizen-not a small special interest group. This group has not established ANY right to these lands, but in what appears to be a politically correct and expedient move, our SELECTED representatives wish to hand over these PUBLIC lands to this small, vocal, and self-entitled group. This hand-over appears to be being done in a fashion that ignores the rights of US citizens, and in a manner that usurps and circumvents proper legal safeguards. P1-01

The Legislative Environmental Impact Statement (LEIS) is designed to avoid the production of a proper Environmental Impact Statement, as required by law. This LEIS is full of contradictions, falsehoods, inconsistencies, and bias towards the Timbisha Shoshone. The LEIS claims "pre-historical" use of the springs. However, there is no archeological proof of this use. This proof would be required to establish pre-historical use. The historical use appears to be the CLAIMED use of the springs by the Timbisha. This claim is no more valid than my claim that my ancestors have used the springs for hundreds of years. P1-02

On page 28 of the LEIS, the authors make the connection that since there is fresh water at Indian Rancheria, human use MAY have used this area for thousands of years. Yet, no evidence or documentation of this use is offered.

On page 16 of the LEIS, the claim is made that the tribe does not use the springs currently. Yet, there is scant evidence that the tribe EVER used these springs. And, also the LEIS states that the Tribe and the National Park Service wish to establish a greater tribal presence at the springs. I argue that the ONLY wish that matters is that of the owners of the land-the citizens of the United States. HU-03

The NPS and the US Congress have only one duty-that is to protect the interests of the citizens of the United States. The Timbisha Proposal



advances the interests of a small group of people who, through their own sense of entitlement wish, to profit unjustly at the expense of the US citizenry.

The Tribe states that they have no plans to significantly develop the Saline SV-04 Valley, but remain silent as to what their plans are with current use of the springs. The Tribal spokesperson on this matter has expressed that the current "clothing optional" use is a use of the sinful; it can be inferred that if control of this area is given to the Tribe, current use will be curtailed, in an apparent foisting of their religious views on others. This alone is anti-American. And while the Tribe says they don't expect to see significant economic development of the Saline Valley or the Hot Springs, there is no assurance that this won't happen. In my home town, the Snoqualmie Tribe just received Federal Recognition. Two weeks before this was announced, their Tribal Chairman made statements in the Seattle Times and local newspapers that the tribe was not going to pursue Casinos or other similar development. Yet, shortly after the announcement of tribal recognition, news stories about the Snoqualmie's interest in acquiring land for the purposes of building a casino ran in the Seattle Times. I suggest that if control of these lands is handed over to the Timbisha Shoshone it won't be long before significant development begins to appear closer on the horizon. I can hardly believe that the American Public and the National Park Service would be best served with the new "Timbisha Indian Bingo Casino and Hot Springs Spa".

The Timbisha Proposal is fundamentally flawed, it is bad public policy, and is surely a slippery slope to the development of a area that up until this time has been managed in a fashion that protects the environment, offers multiple uses for a wide group of people, and is available to all.

Kevin Tice  
33638 SE 55th St  
Fall City, WA 98024

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5/16/00

To Whom it may Concern

I think its a Great idea that the Timbisha Shoshone Have their own Homeland, I am apposed to Certin aspects of Land Acquisition. First is Centennial. Water usage there will have a direct effect on the Water at Darwin. Refer to Page 38 C-01  
California Water rights Quote California water rights are governed by the Prior Appropriation Doctrine and the Riparian Doctrine. Appropriative water rights in California are based on the principle that the party who first appropriates the water (applies to its beneficial use) has prior right to use, as against all later appropriators. the doctrine is commonly called first in time first in right. Unques  
the other objections I have is the removal of Public lands, and Blocking Access to the Back Country. I am also apposed to the Government Buying Private Property E1B-02 E1B-03  
It is my understanding that the tribe is very small, the Amount of land they are asking for is to much. the land they are asking for within the National Park is fine. If the Acquisition goes through each person in the tribe will hold Hundreds of Acres. If you look at a map of this Section of California from Reno to Las Vegas. We are Surrounded by Wilderness by Forest Service, BLM, Military Reservations & Indian Reservations. DV-04



Bureau of Land Management and the USFS  
are closing lands right & left. I realize  
that will probably be passed by Congress.  
in this proposal my main concern is  
the small community of Darwin & the  
amount of water the Centennial area  
will consume. Please take these  
comments in consideration on your  
final decision.

E1B-05

W1-06

C-07

Thank you  
Joe Andrews  
People for the USA  
Southern Owens Valley



23

1001 Hammond St., Apt. 12  
West Hollywood, CA 90069-3829  
May 20, 2000

Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

Re: Draft Legislative Environmental Impact Statement (LEIS)  
The Timbisha Shoshone Tribal Homeland

Dear Sir/Madam:

I am very pleased that, despite much initial foot-dragging by the National Park Service (NPS) and other agencies, the federal government has finally negotiated an agreement with the Timbisha Shoshone Tribe to allow for the restoration of their homeland. Hence, I enthusiastically endorse Alternative A of the draft LEIS.

Despite previous assertions by some federal officials, this will by no means be the first time that land within a unit of the national park system has been designated Indian Country. In 1942, the Department of Defense "condemned" an area in the northwestern part of the Pine Ridge Indian Reservation in South Dakota for use as a gunnery range during World War II. This area (about 48 by 12.5 miles) became the south unit of the Badlands National Monument (now Park) as a result of the Pine Ridge Aerial Gunnery Range Act of August 8, 1968 (82 Stat. 663). Under that Act, the area was returned to the Tribe but was to be jointly managed by the Tribe and the NPS as part of the Badlands National Monument. P3-01

It should always be remembered in such issues concerning land title that the U.S. Government is the interloper – in fact, all of the North American continent, both legally and morally, remains to this day Indian Country. Also, it should be remembered that the land never required special protection from the inhabitants until the European incursion.

Sincerely,

*Bruce D. Olsen*

Bruce D. Olsen

cc: Timbisha Shoshone Tribe  
P.O. Box 206  
Death Valley, CA 92328-0206

Senator Dianne Feinstein  
United States Senate  
331 Hart Senate Office Bldg.  
Washington, DC 20510



LEIS-009

24

May 21, 2000

Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

Dear Sir:

I am writing to comment on the Draft LEIS for the Timbisha Shoshone Homeland.

My two comments are this: First, the scope of the acquisitions/shared management seem too large and complicated to handle at one time. I would suggest a stage by stage approach, beginning with the Furnace Creek allotment. This would enable the tribe and the Park Service to get the shared management teams in place and indicate the interest of expatriated Timbisha in moving back "home." Second, I would like to express my concern about the Centennial portion of the reservation. This is a parcel right in the middle of a large undeveloped area. One can drive from Keeler to Panamint Springs and get a taste of open space and wilderness values. It would be a shame to create something "man-made" there, especially with the impact on such species as Burrowing Owl, Mohave Ground Squirrel and Nelson's Big Horn Sheep.

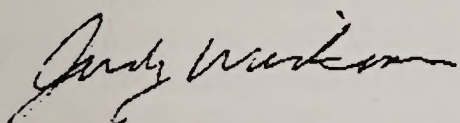
M1-01

C-02

Finally, the species *Myiarchus tyrannulus* is the Brown Crested Flycatcher, not the Brown Breasted Flycatcher as listed in the Draft LEIS.

E1D-03

Thank you for your consideration,



Judy Wickman, former Death Valley resident  
HC 85 Box 170  
Lone Pine, CA 93545



**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896  
SACRAMENTO, CA 94296-0001  
(916) 653-6824 Fax: (916) 653-9824  
calshpo@ohp.parks.ca.gov



May 24, 2000

Reply to: NPS000501A

Dick Martin, Superintendent  
Death Valley National Park  
P.O. Box 579  
DEATH VALLEY CA 92328

MAY 27

Subject: Legislative Environmental Impact Statement for Land Transfer for Establishment of  
Timbisha Shoshone Reservation, Inyo County

Dear Mr. Martin:

I am in receipt of a copy of the subject Draft Legislative Environmental Impact Statement (DLEIS). Thank you for affording me the opportunity to review and comment on the DLEIS.

The DLEIS disclosed useful information with regards to the possible presence of historic properties in each acquisitions parcel. Most of the resources reflect both the prehistoric and historic use of the lands by contemporary and ancestral Timbisha Shoshone people. The DLEIS clearly links the connection between the ancestral land and the contemporary Timbisha. The lands and its resources reflect the cultural heritage of the group who would receive the land.

In consultation, if its is deemed necessary, the National Park Service should determine whether the proposed action is an undertaking subject to Section 106 of the National Historic Preservation Act. A point of reference in Part 800, is found at § 800.3(a)(1).

While I do not expect that affects to historic properties would result from the land transfer per se, the prospect of affects on historic properties through subsequent developments cannot be ruled out. The DLEIS appropriately acknowledged that possibility, recognizing as it does on page 5, that cooperative agreements for access and use of lands would be conducted in compliance with "applicable state and federal regulations". The Bureau of Indian Affairs in carrying out its trust responsibilities might be the federal agency likely to comply with Section 106. E1C-01

My interest and concerns of course lie within the purview of Section 106 compliance, so I think that it is appropriate to acknowledge in DLEIS possible compliance scenarios following the transfer. While the preferred alternative does not specifically identify development plans for the proposed transfer, such actions would be subject to existing preservation statutes and regulations as are currently applicable to the present federal landowners.

If you have questions, please contact either Steven Grantham at (916) 653-8920, or Dwight Dutschke at (916) 653-9134.

Sincerely,

Daniel Abeyta, Acting  
State Historic Preservation Officer



Author: "Dan Goodwin" <dwgoodwin@hotmail.com> at np--internet

Date: 05/30/2000 9:24 AM

Normal

TO: DEVA Superintendent at NP-DEVA

Subject: Timbisha/Shoshone Land

----- Message Contents

Please don't allow Timbisha/Shoshone housing trailers in Wildrose or a Casino in the park.

DG

WR-01

MG-02

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4.1 INDEX BY AUTHOR



Author: K1Atwell@aol.com at np--internet  
Date: 05/30/2000 12:12 AM  
Normal  
TO: DEVA Superintendent at NP-DEVA  
Subject: Saline Valley

## ----- Message Contents

Dear Superintendent Dick Martin,

I am opposed to the Timbisha Shoshone Homeland proposal. I am a long-time visitor of Saline Valley who has written several times about maintaining access to the warm springs. I have returned to the Saline time and again for spiritual and physical renewal and do not want to loose the ability to retreat to a place to which I feel strongly connected.

I understand the importance of historic use of tribal lands and there are places I do not visit in order to honor the indigenous people who hold them sacred and hold ceremony there, specifically Mount Shasta in California, Mount Graham in Arizona, and Devil's Tower in Wyoming.

In sharp contrast to these other instances, the Timbisha Shoshone have no documented historical use in Saline Valley, and from the reports I have reviewed do not and will not view the area as a healing place the way many of the current visitors of Saline do.

HU-01

respect the need of tribal peoples to be honored and somehow compensated for what they have lost at the hand of "progress". But I do not feel that they are genuinely connected to the Saline Valley in a manner that would begin to heals those wounds.

SV-02

I am in favor of the Timbisha Shoshone finding a home, but not to the exclusion of the many individuals who are strongly connected to Saline Valley Warm Springs.

Thank you for your time.

Sincerely,  
Kristin Atwell  
Documentary Filmmaker  
(415) 596-6858



Marilyn Moyer  
43 Adam Way  
Atherton, CA. 94027  
650-365-5560

May 31, 2000

Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley, CA. 92328

Dear Sir,

This letter is in response to the Draft Legislative Environmental Impact Statement, Timbisha Shoshone Homeland I received.

I am the owner of 80 acres in Saline Valley described as NE4NE4 Sec 21 T14SR38E SUBJ TO 60' R/W ESMT Parcel # 024-410-10 and NW4NW4 SEC 22 T14SR38E SUBJ TO 60' R/W ESMT Parcel # 024-410-11.

The LEIS discusses "Indian Rancheria" at length, yet never describes it accurately. (i.e., section --- of township ---) or shows a map that can pinpoint the location of the 120 acres. The approximate description is on page 3.3.2.1.2 "The site is on the west side and near the center of Saline Valley and is transected by Inyo County Road 4013. Willow Creek is approximately 9.25 miles northwest of the site". This description sounds like it could be my 80 acres.

IR-01

Please include in the LEIS and send me a copy, the exact property description and an accurate map of the "Indian Rancheria" proposed acquisition.  
Please notify me immediately if in fact my 80 acres is part of the "Indian Rancheria".  
My phone number is 650-365-5560

For the record, if my land is included in the "Indian Rancheria" I am not a willing seller. I have never been contacted by the National Park Service regarding my willingness to sell any of my land. I have not given anyone permission to enter on my land for this LEIS preparation.

IR-02

It would be so simple to include an exact description and map of the 120 acres proposed for acquisition. Why do I have to write a letter to find out if my property is involved? A very poorly written and ambiguous document as it pertains to "Indian Rancheria".

Sincerely,

*Marilyn Moyer*  
Marilyn Moyer



To the Superintendent

May 23, 2000

After carefully studying the draft legislative EIS for the Timbisha homeland that will extend from the middle of Death Valley National Monument to the West flank of the Inyo mountains I have several questions and observations .

I have been visiting this area since 1960 to the present and have yet to see any Indian activities in this land , no camp outs or pow wows . One would think that if the Tribe was so interested in this vast acreage , they would have already been having group activities to acquaint their younger children with the land, as it has been open to all people for unrestricted camping until the last few years . The National Park service has closed many historical trails to entry by the public because of actual or perceived damage to those places , how does transferring this land to an sovereign Native American Indian nation serve to continue protecting these sites ? Once this land becomes the property of the Timbisha Nation any development they deem proper can and will be done . Given the activities of other tribes , will we be treated to a casino in the middle of Death Valley National Monument ? This would be like putting a Mc Donald's at the bottom of the Grand Canyon . The EIS does admit to the building of tracts of houses and multistory condos in Furnace Creek , most likely there will be a shopping center , strip malls , fast food stores , in short a small city will be built inside of one of the most outstanding places in the U.S.A. . How is this massive amount of commercial development going to be situated so as not to totally destroy the grandeur of the Death Valley National Monument ? All I have read seems so very inconsistent with the objectives and policies of a national park .

The Draft EIS states the Tribe no longer uses the Saline Valley hot springs because the current public use is incompatible with Tribal values associated with the springs . Specific Tribal values are not identified and the EIS infers future management of the springs will be for exclusive use of the Tribe . Prior to the public using the springs starting in the late 60's , why wasn't the Tribe already there if this is such a significant place to them ? Why , now that volunteers have spent many hundreds of hours and dollars making the Saline Valley Springs into a unique , rewarding place to visit , is the whole place going to be "off limits" to those who made it into something besides a mud hole ?

With 95% of the Death Valley National Park identified as a wilderness , the proposed Tribal uses of Hunter Mountain and the Wildrose area will include building campgrounds and hunting . These actions may be inconsistent with the wilderness designation .

Why is this vast area that has been open for all Americans to enjoy being given to a very small group of people who will exclude we the owners of our public lands from continuing to enjoy that what our parents and forefathers fought many foreign



wars to preserve ? If they truly were interested in this land , don't you think we who have enjoyed this area for many years , would have seen them out there before now ?

I recommend " No Action Alternative"

The proposed action would create a new Tribal Reservation within the United States , with the Tribe defining location , boundaries , land use and management . All this at the expense of National Park objectives and values , not to mention the loss of this unique area to the public . The United States does not need more land withdrawals and use restrictions .

A long time enjoyer of this land  
Kent Cartwright  
3597 Green Acres Dr  
Carson City NV 89705

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2802 Las Gallinas Ave.  
San Rafael, CA 94903  
June 2, 2000

Superintendent  
Death Valley NP  
PO Box 579  
Death Valley, CA 93228

Dear Superintendent:

I am writing about the Draft Legislative Environmental Impact Statement for the Timbisha Shoshone Homeland.

I have a problem with those sections relating to tribal grants in the Saline Valley. The draft proposes land acquisition to accommodate and Indian Rancheria at Waucoba Springs. While this might be appropriate from an historical and cultural standpoint, establishment of such a rancheria at Waucoba Springs will inevitably result in demands that the Saline Valley Road be "improved." This, in turn, will lead to increasing traffic into the Saline Valley, thus impacting the essential wilderness character of this area. At a minimum, if an Indian Rancheria is established at Waucoba Springs, it should be with the understanding that the road will continue to be maintained as has been maintained, with no "improvements" designed to facilitate easier access. SV-01

Section 2.2.1.3.2, Timbisha Shoshone Natural and Cultural Preservation Area, has a section relating to the Saline Valley Springs. After stating that the Tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated with the springs, this section goes on to propose a "greater tribal presence at the springs," with the proposal that a pilot demonstration project be developed regarding management of the springs. This sounds ominous. The only conclusion one can draw is that the tribe will control the springs, admission will be charged, and current "visitor use" will be changed. The values which currently exist among the Saline Valley Springs community will be superseded by the "Tribal values." This is unacceptable from my standpoint. The Indians had abandoned this site long before "current use" values began to develop, and to now give them the right to come back and reestablish their claim is just plain wrong! M1-02

Thank you for considering my opinions.

Yours truly,

*Roger L. Duba*

Roger L. Duba



Dear Superintendent:

This letter is in response to the Draft Legislative Environmental Impact Statement report you so kindly sent me. I have read the statement and offer the following.

I limited my review to Indian Rancheria property since I am a frequent visitor of the Saline Valley Springs and have never been to the other areas mentioned. I was relieved to find that the Indian Rancheria land is a somewhat smaller contribution to the Tribe than the other areas being considered. I am leary about what the motive is for the Tribe to obtain the land. The report states they had family living there 80 years ago (until the 1920s). They have not shown an interest in the land since they left. They abandoned the land 80 years ago when they left, giving up any rights to it at that time. I believe their actions speak louder than words. Please note that the report does not state why they left. The Indian Rancheria land should not be part of the transfer. IR-01

The report made reference to Tribal contributions to assist the government agencies in managing the land including Saline Valley Palm Springs. The report did not contain sufficient information to draw a conculsive decision on this matter, however, I feel it is a totally unnecessary proposition. The BLM/National Park Service have solely maintained the land since I have been going there (approx. 8 years). They have maintained the Springs in an adequate clean and safe environment. A statement in the report on page 96 Cooperative Activities/Special Use Areas states "... would also enhance the experience of visitors" is vague as to what the "experience" means. The Springs have been clothing-optional for decades now and I would hope to allow that same freedom in the future. No additional "enhancement" is necessary. The friends I have spoke to enjoy the Springs the way they are and do not want any further "enhancement". SV-02

The report made some references to future development. This had me very concerned. I feel this would crush the ecological chain. Noted in the report, Indian Rancheria is situated on historical migration routes used for bighorn sheep and is located in important lambing areas. It was also noted no evidence of burrows, however, when I was out to the Springs Easter 2000 we saw two burrows along the floor of the Saline Valley along the South road out to Darwin. M1-03

I have shown the Report to many of my friends who visit the Springs. I believe I can safely say that we all respect the Springs as a beautiful pristine area unique in many ways. We hope to continue to make it a more enjoyable clothing-optional place to visit in the future. Thank you for allowing me the opportunity to voice my opinion on such an prominent action.

Carol Parrish  
CJPARRISH@EARTHLINK.NET

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4.1 INDEX BY AUTHOR



Handed in @ the  
Ridgecrest  
Field Office  
Meeting  
6-5-2000

Timbisha Shoshone  
& S2102

LEIS-017

Public Comment  
by

Robert Strub

P.O. Box 36

Trona CA 93592

760 372-4944

bobstrub@hotmail.com

June 5th 2000

- #① Air
- #② Drafting  
of Document
- #③ Mining
- #④ Land trans  
size.

- ① Any air quality studies that AQ-01  
pertain to Trona ~~state~~ should  
take note of the ambient or  
incoming air quality in Trona be  
stated so that Trona's impact  
incrementally will be obvious.  
Trona does a great job and  
should not be incorrectly portrayed.
- ② I am unable to see where  
Trona is on your maps in Volume TR-02  
I last chapter Maps 7, 8, 9.
- ③ I am aware that the Timbisha  
Shoshone perspective, view, on the  
activity of mining is disruptive  
to their religious views on →



the proper use of land. I am a miner and I am concerned about the protection of the existing and future rights to develop and exploitation of minerals. Protect our rights and our children's rights. Give no co-management rights to the Timbisha Shoshone tribe as they relate to mining rights. Any tool they are given to stop mining they will use and have used. Anyone in local government that is located in rural areas can attest to the Timbisha Shoshone aversion to mining. Mining is very important to our economies locally. Locally mining is #1 exclusive of military. Tourism is 10% the size monetarily of mining. I am using data from 1995 WEMO, West Mojave Plan.

- ④ ~~the~~ I want a healthy tribe and I am concerned that the ~~diversity~~ # of parcels while increasing diversity also increases cost. If they are going to have that many areas they need more land. The End



LEIS-018

Timbisha Shoshone LEIS

PUBLIC COMMENT SHEET

Submit comments by July 22, 2000

Please share your ideas, comments, and concerns in the space provided below. Return by mail to:

Death Valley National Park  
PO Box 579  
Death Valley, CA 92329.

All comments must be received July 22, 2000.

For additional information contact:

Joan DeGraff, National Park Service, (760) 255-8834

In Saline Valley, there is a series of springs - Lower Warm Springs, Palm Spring, and upper warm springs. The lower two were developed by volunteers over the last 30 years before becoming part of Death Valley National Park, & were traditionally used by members of the general public as a clothing optional area, 47 miles from the nearest paved road. If these specific springs are the ones in question, you'll have a fight on your hands <sup>both</sup> from the clothing optional people who want to keep using these 2 springs, & from the Tribe who quite naturally won't want a bunch of nudists getting in their way. It is a beautiful area, & deserves to be appreciated by everybody, SV-01  
Is there any way that it could be open to the public during one time frame, & open to the Tribe during a different time frame?  
If you are specifically referring to a different set of springs - like the artesian well, or springs further up the canyons - great, no problems, PLEASE, PLEASE be specific about the springs so everyone is clear about WHICH springs are in question.  
Of course the warm springs were sacred to the Indians - and it should be to everyone. Anybody who's been there has felt the natural power of the place. And there are cultural sites around the upper springs, which I have visited. Seems like both sides have a good case. How are you going to deal with this?



Please fill out other side

Please note: comments, including names and street addresses of respondents are available to the public and may be published unless confidentiality is requested at the beginning of your written comment.

Last Name: Saholt First Name: Linda  
Mailing Address: 1409 N. Guam St.  
City: Ridgcrest State: CA Zip Code: 93555



June 5, 2000

Comment on Draft EIS for Timbisha Shoshone Homeland

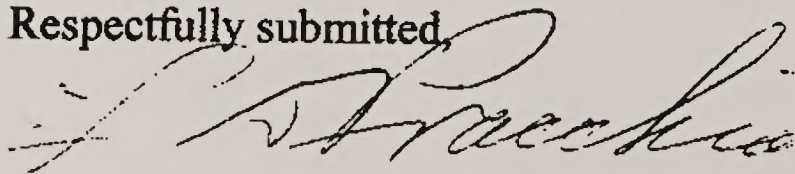
Prepared by Louis D. Pracchia, 606 Mary Ann Ave. Ridgecrest, CA 93555

( [ldpracc@ridgenet.net](mailto:ldpracc@ridgenet.net) )

In general the EIS is almost acceptable. However, from my review there are several discrepancies that need to be examined before the EIS is declared acceptable.

1. The Dept. of Interior letter dated April 5, 2000 (which precedes page i) states in the last line of the second paragraph "...purchase two parcels of 2,550 from private owners." Nowhere can I locate anything about the other 2,548 owners. E1H-01
2. Under the Executive Summary, page ii, paragraph S.2 Proposed Action, the third line contains "...to purchase several privately held parcels of federal land to be held in trust for the Tribe by the U.S. Secretary of the Interior." T1-02
  - a. The word 'several' in the English language is defined as more than two.
  - b. I suggest that a legal opinion be obtained as to whether the Dept. of Interior can actually hold the land in trust. It should be determined if the trustee must be one who has no association with management. I reference my concern based on a dictionary definition of "trust" which indicates that the kind of management cited in the EIS is not legal.
3. Following page xiv, and preceding the Table of Contents, that page is titled "Users Guide." The first paragraph and first sentence reads "The Table of Contents....is arranged to provide a clear and accurate description of the Proposed Action and Alternatives. This is not so! A serious omission is located in the LIST OF TABLES under Table T1 that calls for "Identified and Anticipated Cultural Resources on Parcels proposed for Transfer." Without that table you cannot fully understand what parcels are involved. E1G-03

Respectfully submitted,





## SAN BERNARDINO COUNTY LIBRARY

COUNTY OF SAN BERNARDINO  
PUBLIC SERVICES GROUP104 West Fourth Street • San Bernardino, CA 92415-0035 • (909) 387-5720  
Fax (909) 387-5724ED KIECZYKOWSKI  
County Librarian

To Whom It May Concern:

Trona Branch Library would like a copy of the draft for the Timbisha Shoshone Reservation from the Bureau of Land Management.

Thanks!

Trona Branch Library  
82805 Mt. View  
Trona, CA 93562

*Katherine Lehman*4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Kathy Goss PO Box 9 Darwin CA 93522 (760)876-8313

June 8, 2000

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Extension, Timbisha LEIS

Dear Mr. Martin:

I am writing to request an extension of the public comment period for the LEIS on the Timbisha Shoshone Tribal Homeland Bill. E2-01

There are serious flaws in the LEIS, as well as inadequate documentation of the underlying historical claims of the Timbisha Shoshone Tribe. The public has been barred from examining documents that purport to justify the claims of the Tribe to areas such as Centennial Flat and Saline Valley Warm Springs, most notably the commissioned study by Catherine Fowler. Extensive basic research will be needed in order for anyone to comment on these claims. E1C-02

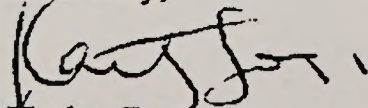
The LEIS shows total disregard for the concerns expressed by residents of Darwin about the proposed transfer of land on Centennial Flat. The test well at Centennial Flat has yielded no data, and potential impacts on Darwin's source spring in the Cosos were dismissed with a false reference to nonexistent "wells in Darwin." No transfer of land at Centennial Flat should be considered until there are adequate studies of the water situation at this site. There is no way for the public to comment on this proposed transfer until such studies have been done and credible data have been made available to the public. W1-03

I am also troubled by references in the LEIS to the proposed purchase of the "Saline Valley Rancheria." Marilyn Moyer, owner of one of the parcels in question, was never approached concerning purchase of this land, and she is not a willing seller. Since many of the proposed Tribal activities in Saline Valley appear to be contingent on the purchase of the Rancheria parcels, I believe this situation needs to be clarified before the public can comment. IR-04

Also, since the Timbisha bill must be coordinated with the GMP for Death Valley National Park, it seems appropriate to extend the comment period on the LEIS until the public has had a chance to examine these two documents side by side. I understand the GMP is due out later this summer. P2-05

I hope that concerned citizens will be given ample time to evaluate and comment on this complex and flawed document.

Sincerely,

  
Kathy Goss

cc: Sen. Dianne Feinstein, Rep. Jerry Lewis, Sup. Michael Dorame



**COMMENT FORM**

TIMBISHA SHOSHONE TRIBAL HOMELAND

mail to:  
Superintendent  
Death Valley National Park  
P.O.Box 579  
Death Valley, CA 92328

Date: 6-7-00Your name: JESS COOKAddress: 101 4<sup>th</sup> St.City: FILLMORE State: CA Zip: 93015**Comments:**

SC-01

PLEASE SEND ME A COUNT OF TOTAL  
LETTERS RECEIVED AND HOW MANY WERE  
CONSIDERED (FORWARDED) REGARDING THE  
TIMBISHA HOMELAND ISSUE.

THANK YOUJADICAL55@aol.comComments can also be made electronically at <http://www3.iwvisp.com/blm/report>





**Gear Grinders  
4 Wheel Drive Club, Inc.**

**P.O. Box 32  
Ridgecrest, CA 93556**

June 8, 2000

JUN 12 2000

Superintendent Richard Martin  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

**RE: TIMBISHA TRIBAL HOMELAND DRAFT LEGISLATIVE EIS**

Dear Mr. Martin,

We, the members of the Gear Grinders 4WD Club, are asking for an E2-01 extension in the comment period on the Timbisha Tribal Homeland Draft Legislative Environmental Impact Statement (LEIS).

We are asking for this extension for the following reasons:

- We believe the document to be hastily put together, and not E1D-02 including pertinent information regarding water studies, recreational use and public access in the future.
- This document was to be completed in conjunction with the Death P2-03 Valley National Park General Management Plan, which is not due out until sometime in August. What is the rush?
- To give the public and Congress time to request and receive both copies of the Plan. Most have not received Volume 2, the Appendices, and will need time to read and look through them.

Please keep in mind, we are not against the Timbisha Shoshone having a tribal homeland, but we do believe that it should be well researched, studied, and public involvement be included.

We request that you grant at least a 90-day extension.

Sincerely,

Gary Bartlett, President

CC: Congressman Bill Thomas and Jerry Lewis  
California Association of 4 Wheel Drive Clubs  
High Desert Multiple-Use Coalition  
Saline Preservation Association (SPA)



THOMAS S. BUDLONG  
3216 MANDEVILLE CANYON ROAD  
LOS ANGELES, CA 90049-1016

LEIS-024

June 10, 2000

JUN 10

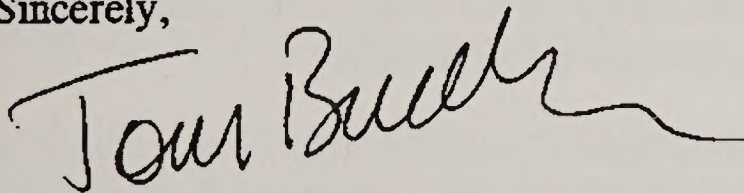
Dick Martin, Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley, CA  
92328

Dear Dick,

At last Tuesday's Timbisha meeting in Lone Pine I asked about the Park Service's responses to comments received regarding last year's Timbisha document. My complaint was that the responses were not available to the public.

That forum is a poor place to have such a 'conversation'—there was a lot of noise and other people were talking, and I am confused about your answer. I think, maybe, you said that the Park Service responses to comments received were published and available. If that's true, how can I get a copy? If not true, can you repeat your response?

Sincerely,



Tom Budlong

Voice: 310-476-1731

Fax: 310-471-7531

email: budlong@who.net



KENNY C. GUINN  
Governor

STATE OF NEVADA

PETER G. MORROS  
Director

R. MICHAEL TURNIPSEED, P.E.  
State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCES

JUN 16

123 W. Nye Lane, Suite 246  
Carson City, Nevada 89706-0818  
(775) 687-4380 • Fax (775) 687-6972

June 13, 2000

Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, California 92328

Re: Draft Legislative Environmental Impact Statement  
Timbisha Shoshone Tribal Homeland

Dear Superintendent:

I have reviewed the Draft Legislative Environmental Impact Statement on the Timbisha Shoshone Tribal Homeland and raise the following concerns over potential claims for water rights in the areas to be reserved out of the public domain and the Lida Ranch lands to be purchased and taken into trust for the tribe.

In the DLEIS, the National Park Service notes that with the exception of the reserved water rights to Devil's Hole, the precise nature and extent of any implied federal reserved water rights in the areas selected for establishment of the Timbisha Shoshone homeland will likely remain uncertain until the United States is joined in an adjudication, the Department of Justice files claims to water rights on behalf of the United States, and the court decrees the United States' rights. I believe this to be an uncertain and unreasonable way to approach the issue of what water rights, if any, will be affected or claimed by the establishment of this homeland.

W2-01

There is well established case law that states that the priority date of an implied federal reserved water right is the date the reservation is created and that Congress can only reserve appurtenant and unappropriated water. It's the same case (Cappaert v. U.S.) that enjoined groundwater pumping in the area of Devil's Hole in recognition that an implied federal reserved water right existed.



The issue of water rights should be addressed up front and specifically, since by W2-02 avoiding the issue it only delays the inevitable, which is that the issue of water rights must be addressed, and should be addressed in a public forum. The National Park Service says that the precise nature and extent of federal reserved water rights in the areas selected for establishment of the Timbisha Shoshone homeland will likely remain uncertain until the claims to water are adjudicated. The State Engineer could issue an order to begin a McCarran level adjudication at any time. Adjudications are often lengthy, costly, and consume large amounts of resources. Implied reserved rights are the most difficult to administer and protect since they are unquantified until adjudicated. There is only a limited amount of unappropriated water in Sarcobatus Flat Groundwater Basin and in Lida Valley. All state granted water rights would pre-date a reserved water right created in the year 2000. It would be much easier to administer if Congress would expressly reserve a water quantity than to leave it unquantified.

The State of Nevada believes, as do other western states, that the federal implied reservation of water doctrine does not apply to ground water. The history of the doctrine arose in circumstances of competing claims to surface water, and the United States Supreme Court has not applied the doctrine to ground water as of this date.

The failure to address the issue was seen in the context of the reservation set aside for the Las Vegas Paiute Tribe in the 1980's. The issue of water rights was raised to Congress, yet it chose to ignore the issue and leave it for a future time. This kind of uncertainty serves no one. Nevada is litigating the issue of whether the implied reservation of water doctrine applies to ground water in a case involving the Walker Lake Paiute Tribe. The genesis of the settlement with the Las Vegas Paiute Tribe was based on a different set of facts. The Las Vegas Tribe did have a land base, alongside the Las Vegas Springs, which dried up more than 50 years ago.

As to the Lida Ranch lands, Nevada believes any act setting aside these lands should clearly address that the implied reservation of water rights doctrine will not apply to these lands. These lands are not being reserved from the public domain, therefore, the reservation doctrine is completely inapplicable. The lands are acquired with only the water rights, if any, that are appurtenant to them at the time of purchase, and those rights were acquired pursuant to Nevada State law, which will continue to govern those rights, meaning water rights on those lands are subject to continuing State jurisdiction. W2-03

The DLEIS indicates that any water requirements cannot be evaluated with certainty and may be subject to change over time. This is a perfect example as to why avoiding the issue merely leaves the potential for conflict.

It should be noted that the National Park Service on behalf of Death Valley National Park has protested nearly every water right application filed by persons in Nye County and neighboring counties (except for those filed by the U.S. Department of Energy for the Yucca Mountain Nuclear Waste Repository) alleging that because the



Superintendent  
June 13, 2000  
Page 3

hydrographic basins are interconnected and the quantity of water already appropriated under existing water rights exceeds the flow through the system, that the system is already overappropriated and allegedly is presently affecting the water rights of the National Park Service. The DLEIS indicates that it believes that the Lida Valley is considered part of the Death Valley groundwater flow system. It is time for the National Park Service to step forward, state what water rights they think they are entitled to, provide the science on which they base their claims that all of these groundwater flow systems are tied together, and how these regional flow systems provide water for the water rights that they claim. If there is no water available for appropriation, or by implication available under the implied reservation of water doctrine, it makes no sense for the National Park Service to support a reservation in that location. It seems more than a bit disingenuous for the Park Service to protest an application in White Pine County for 10 acre-feet annually and not raise an objection to a potential reservation with new claims for water in its own back yard.

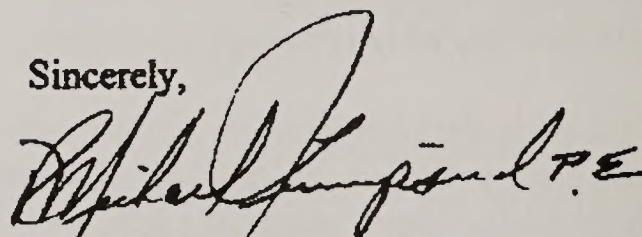
On the other hand, the State of Nevada supports a reservation and a land base for the Timbisha Tribe and believes there is limited ground water available to support such a reservation.

In conclusion, the U.S. or Timbisha Tribe should comply with the State appropriative process whereby it could obtain water rights with a priority date earlier than the date of the reservation or have Congress expressly state the amount of water required for tribal purposes and specifically identify those purposes.

W2-04

If you have any questions or if I can be of further assistance, please feel free to contact me.

Sincerely,



R. Michael Turnipseed, P.E.  
State Engineer

RMT/bk



LEIS-026

JUN 16 2000

June 9, 2000

Supt. Dick Martin  
Death Valley National Park  
Box 579  
Death Valley, CA 92328

Dear Mr. Martin:

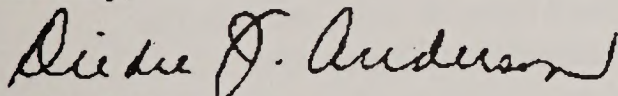
I have received my copy of the Timbisha Shoshone Homeland draft LEIS. Vol 1.

This letter is to request an extension of the public comment period so that I may better evaluate it. In my case, I received Volume 1 of the LEIS but not Vol 2, which I understand, contains documentation of statements and claims made in Vol 1. E2-01

Volume 1 is a very complicated document which makes many ambiguous and misleading claims that are largely substantiated. I will need time to obtain a copy of Volume 2 and read it to verify, if possible, claims made in Volume 1. E1G-02

Thank you for your cooperation.

Sincerely,



Diedre J. Anderson  
Box 33653  
Reno, NV 89533

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JUN 17 2000

Superintendent of Death Valley National Park  
Visitor Center  
Death Valley Ca 92328

Dear Sir:

REGARDING THE TIMBISHA PROPOSAL:

The USA is one nation, indivisible. The Timbisha Proposal will tend to set up an independent nation not subject to US Government regulation. We must not grant the Timbisha anything we would not grant to any other organization of U.S. Citizens. T1-01

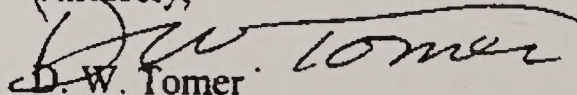
The USA was once called "The Melting Pot" Why can't the Indians "melt" too and become just plain American Citizens? We are becoming a nation divided against itself!

If our Government grants the Timbisha Proposal, The following restrictions should be part of the agreement:

- 1) On National Park lands there must be no hunting of animals, except as determined by the Park Service as necessary to prevent over-population, spread of disease or degradation of the natural environment. DV-02
- 2) On National Park lands there must be no medicinal, ritual, commercial or hobby gathering of an endangered species of plant life. DV-03
- 3) On National Park lands there must be no restrictions preventing Federal Officials from entering to search, make arrests, protect those in need, enforce the above mentioned restrictions or perform any standard police function. DV-04
- 4) On National Park Lands there must be no new allotments of water usage, surface or underground, for exportation, entertainment, manufacturing or any commercial use. DV-05
- 5) All residents of Timbisha Lands must be required to obey all State and National laws and to perform all other citizen's obligations such as paying taxes and serving in the military forces if drafted. T1-06

Please realize that granting special use to the Timbisha is a dangerous precedent that may expand continuously to the detriment of the rest of the nation.

Sincerely,

  
D. W. Tomer



Dick Martin,  
Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

June 16, 2000

JUN 19 2000

Dear Sir,

The purpose of this letter is to comment on the Legislative Environmental Impact Statement (LEIS) on the Timbisha Shoshone Tribal Homeland Report.

Please extend the comment period beyond the current deadline of July 22, 2000. Because of obvious errors, conflicting, and ambiguous statements between LEIS Volumes 1 and 2, and with independent sources, more time is needed to prepare a comprehensive response. E2-01

The LEIS is geographically inaccurate. Geographic areas are inaccurately or vaguely described, or their location is not identified at all, as in the case of the "Indian Rancheria." The Tribe proposes to purchase two privately owned parcels in Saline Valley designated as the "Indian Rancheria." The LEIS states that the Timbishas' long-standing (but undocumented) occupation of the "Rancheria" is "proof" of the Tribe's interest in the Springs, which are in fact almost ten miles away, as the crow flies. The owners of the parcels in question were not contacted during the writing of the LEIS. The owner of one of the parcels, Marilyn Moyer, is NOT willing to sell her parcel, and I am advised that the other owners are not willing to sell either. The LEIS claims that 750,000 acres were originally considered for designation as the Natural and Cultural Preservation Area, but a more accurate estimate, verified by the local BLM office, is closer to 1.5 million acres. E1G-02

The LEIS Contains Conflicting Statements. For example: p. 14 INDIAN ANCHERIA [Saline Valley, near Hunter Canyon]: "The level of use is envisioned to be residential at approximately the same level that has existed in the past. In addition there may be a small joint NPS/Tribal office for visitor information and resource management for the Saline Valley portion of the Park." p. 93 INDIAN RANCHERIA: "Limited economic activities are anticipated at the Rancheria parcels." p. 95 INDIAN RANCHERIA: "Specific land uses are not identified for the Indian Rancheria parcels." p. 97 INDIAN RANCHERIA: "No specific development is anticipated at the Indian Rancheria." Please include me on any mailings of announcements of future LEIS meetings. I was not notified of the June 12, 2000 public hearings, and I have written to you before on this subject. E1D-03

Historical Claims Are Poorly Documented. The Timbisha claim that they have a history of using the Springs for healing and ceremonial purposes. The main document they cite, by anthropologist/contractor Catherine Fowler, is not available for examination by the public. Available historical sources do not document this claim by the Timbisha. p. 16 SALINE VALLEY SPRINGS HU-04

George R. Stephan

Page 1

6/17/00



"The Tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated with the springs. The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the Tribe to the area." The degree of exclusivity between current visitor usage and Tribal M1-05 usage needs to be developed as part of the LEIS.

Flawed or Nonexistent Science. No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. Descriptions of plant communities at the Rancheria and the Springs are inaccurate and/or incomplete, and are treated as if the areas are identical. Anyone who is familiar with Saline Valley knows this to be entirely inaccurate. (See p. 67, INDIAN RANCHERIA.) E1D-06

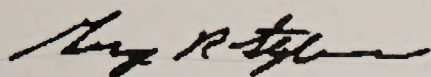
Absence of Water Studies. Another troubling example of inadequate science is the absence of water studies on Centennial Flat, where pumping of groundwater may have an impact on the spring in the Cosos that supplies the town of Darwin via a 7-mile pipeline. This concern is dismissed in the LEIS with the following deceptive paragraph: p. 89 CENTENNIAL: "Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary). p. 89 CENTENNIAL "Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary). Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat. Geologic and hydrologic data do not support this assertion, but adverse effects on groundwater availability at Darwin cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality. Small-scale withdrawals associated with limited residential uses would not be expected to adversely affect supplies at Darwin." The problem with this paragraph is that there are no wells in Darwin, nor any groundwater! The "exploratory well" on Centennial Flat has not been pumped and it is unknown whether it will supply any water, or what impact withdrawals of water will have on wildlife, plants, the town of Darwin and other holders of water rights. Although Centennial Flat is not part of Saline Valley, the dishonest discussion of this parcel in the LEIS is strong evidence that the document is defective. C-07 W2-08

Because of the obvious errors, conflicting, and ambiguous statements between LEIS Volumes 1 and 2, and with independent sources, more time is needed to prepare a comprehensive response. Please extend the comment period beyond the current deadline of July 22, 2000, to allow time for preparation of a detailed response to the problems with the Legislative Environmental Impact Statement on the Timbisha Shoshone Tribal Homeland Report. E2-09

Thank you for giving my request your consideration.



Sincerely,



George R. Stephan  
298 W. Highland Ave.  
Sierra Madre, CA 91024

626-355-6581  
[grstephan@earthlink.net](mailto:grstephan@earthlink.net)

cc: Saline Preservation Association  
U. S. Representative Drier  
U. S. Senator Boxer  
U. S. Senator Feinstein



JUN 19 2000

June 15, 2000

Dick Martin, Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

RE: TIMBISHA SHOSHONE HOMELAND PROPOSAL.

Dear Mr. Martin:

It is our understanding that the Timbisha Shoshone Homeland Proposal has been entered into the Federal Register and will soon be coming before the U.S. Congress. We are very disappointed that the U.S. Government is considering turning over control of the Saline Valley Warm Springs over to the Timbisha Indians.

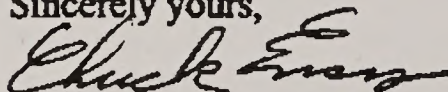
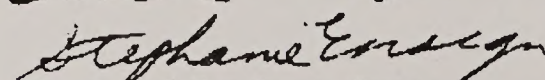
SV-01

For years these springs have been maintained and improved by the people that use them. These volunteers have invested both time and money in making this area a true oasis in the desert. We first made the trek to the springs four years ago and have returned at least once a year ever since. Every visit is truly a relaxing experience.

If these springs are turned over to the Timbisha they have stated that the current usage is not compatible with their beliefs. They have also stated that everything that is not natural to the area must go. This would ruin all the improvement that has been made in the past. The next problem that will face the government is that the Timbisha will soon protest the usage of the area by the China Lake Naval Base for training of their fighter pilots. While the load noise associated with the jets is definitely irritating, the present users of the springs believe in shared use of the area.

We do not oppose giving the Timbisha Indians land near Death Valley Junction or other places where they can make improvements that will benefit them economically. Giving them land at the Saline Valley Warm Springs will not only ruin the springs for the people that currently enjoy them but it will make another remote place for the Indians to live where there is no feasible way for them to make a living except for government welfare.

Sincerely yours,

Chuck and Stephanie Ensign  
2780 N. Kimball  
Boise, Idaho 83704  
[idahoan@uswest.net](mailto:idahoan@uswest.net)

JUN 19 2000



JUN 21

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## COMMENT FORM

TIMBISHA SHOSHONE TRIBAL HOMELAND

mail to:  
 Superintendent  
 Death Valley National Park  
 P.O.Box 579  
 Death Valley, CA 92329

Date: 6-19-2000Your name: Sherrie L. GrubbAddress: HC 66 Box 60604City: Pahrump State: NV Zip: 89048

## Comments:

1) I have a concern about water issues. How can one  
 expect for the Timbasha Shoshone Tribe to prosper and  
 grow with no water in the desert? W2-01

2) There are no alternative plans, which makes this a  
 take it or leave it situation. E1E-02

3) Why does the federal government feel the need to put  
 this land in a trust rather than give it to the tribe in  
 a deeded title with the stipulation the land cann't be  
 traded or sold? T1-03  
 over

Comments can also be made electronically at <http://www3.fwisp.com/bim/report>



- 4) With these questions in mind I do support the DLEIS Timbasha Shoshone Homeland, only because the Elders in the tribe have excepted it.
- 5) I do wish that the federal agencies continue to work closely with the tribe to help them prosper and grow physically as well as mentally, so that they can become active, productive citizens.

Sincerely,

*Mrs. Sherrie L. Grubb*

Mrs. Sherrie L. Grubb

cc: California Indian Legal Services



JUN 22 2000

Please fill out other side

Please note: comments, including names and street addresses of respondents are available to the public and may be published unless confidentiality is requested at the beginning of your written comment.

Last Name: Grubb First Name: Ken

Mailing Address: HC 66 Box 60604

City: Pahrump State: Nevada Zip Code: 89048

I have concerns about water rights. How can the Timbasha Shoshone Tribe prosper and grow in the desert without water? Most documents concerning the federal government on issues of land have always had alternative plans. Why is this issue not addressed the same way? Is this a take it or leave it situation? Why is this land transfer not being done with a deeded title? The Title could stipulate that the land could never be transferred, traded, or sold.

W2-01

T1-02

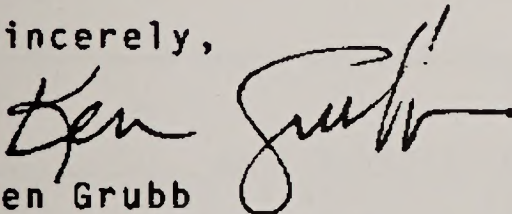
Although I have unanswered questions I would like to state for the record that I do support this DLEIS Timbasha Shoshone Homeland documents that have been printed and presented to the public.

I support this issue as the Elders of the Tribe have stated that they are pleased with the agreement.

I do wish that the government agencies work with the Tribe so that they may prosper.

Please allow my comments to be made available to the public for review. Thank you.

Sincerely,



Ken Grubb

cc: California Indian Legal Services

TOTAL P. 03

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LEIS-032  
JUN 22 2000



## Town of Pahrump

Past and Present Working Towards a New and Better Future

June 19, 2000  
Monday

Death Valley National Park  
Attention: Superintendent  
Post Office Box 579  
Death Valley, California 92328

Dear Superintendent,

The Pahrump Public Lands Advisory Board would like to make the following comments on the Timbasha Shoshone Tribe DLEIS Homeland:

- 1) Our board has a great concern on water rights. We feel the federal agencies involved should work diligently to see that the Timbasha Shoshone tribe has adequate water rights, so that they may prosper through growth and development. W2-01
- 2) We also feel that the Timbasha Shoshone tribe should receive the deeded title to properties discussed in the DLEIS. T1-02
- 3) We would also like to address the issue that no alternative plan is offered in the DLEIS. This is a take it or leave it situation. T1-03
- 4) With all the discrepancies, our board has ultimately decided to support the land transfer as explained in the DLEIS Timbasha Shoshone Homeland documents.

Please make these comments available to the public for inspection.

Our board would like to thank all the representatives from the different federal agencies, for attending the June 9, 2000 meeting in Pahrump. We appreciate their time and information in this matter.

Sincerely,

Ken Grubb, Chairman  
Pahrump Public Lands  
Advisory Board

cc: California Indian Legal Services

---

400 N. HIGHWAY 160 PAHRUMP, NEVADA 89048 (775) 727-5107 FAX: (775) 727-0345



LEIS-033

JAN 22 2000

### COMMENT FORM

TIMBISHA SHOSHONE TRIBAL HOMELAND

mail to:  
Superintendent  
Death Valley National Park  
P.O.Box 579  
Death Valley, CA 92328

Date: 6-18-00

Your name: Laurel A. Elser

Address: P.O. Box 381

City: Goldfield State: NV Zip: 89013

Comments:

I oppose all action  
being taken by BLM & BTA

Comments can also be made electronically at <http://www3.iewisp.com/blm/report>



LEIS-034

**COMMENT FORM**

TIMBISHA SHOSHONE TRIBAL HOMELAND

mail to:  
Superintendent  
Death Valley National Park  
P.O.Box 579  
Death Valley, CA 92328

Date: 6-12-00

Your name:

Don C. Campbell

Address:

P.O. Box 13

City:

Goldfield

State:

NV

Zip:

89013

Comments:

I Appose All Action

Comments can also be made electronically at <http://www3.wwvisp.com/blm/report>



JUN 22 2000

6/20/00

Superintendent  
Death Valley National Park  
P. O. Box 579  
Death Valley, CA 92328

Dear Sir:

Thank you for the opportunity to comment on the Draft Legislative Environmental Impact Statement (DLEIS) for a Timbisha Shoshone Homeland.

First, in the Executive Summary p. i, on p. 3 (and other places) the statement is made that Congress directed that a study be made "to identify lands suitable for a homeland for the Timbisha Shoshone Tribe". This is in error and should be corrected. I do not believe that it was the intent of Congress to establish a "homeland". Later on p. 3 the correct statement is made that Congress directed a study be made to identify lands suitable for a *reservation* for the Timbisha Shoshone. This is a crucial difference. The DLEIS goes way beyond establishing land for a "reservation". In fact, it turns Death Valley National Park (DEVA) into a de facto Indian reservation. Congress established DEVA as a National Park for *all* of the American people. Therefore, not only should the DLEIS be corrected to show the true intent of Congress, I oppose all parts of the legislative proposal except those that transfer to the Tribe a land base to be held in trust, as intended by Congress. E1H-01

All of the other legitimate needs of the Tribe can be accomplished without any of the other proposed legislation. Under existing law, for instance, a Memorandum of Understanding could be signed by the Tribe and DEVA for Tribal management of mesquite groves, pinyon nut gathering areas, or other areas of special interest to the Tribe. Existing law also permits the temporary closure of areas of public land for Tribal religious ceremonies. The whole purpose of DEVA, and the interests of all of the American people, should not be sacrificed in the false pursuit of so-called environmental justice.

However, should this proposal be enacted, several changes should be made. Hunting in DEVA should be prohibited, despite the language that "traditional uses" are permitted. Control and use of the Saline Valley Hot Springs should remain with DEVA, and not given to the Tribe. The water rights of DEVA and of the town of Darwin must be given specific protections. In case of disagreement between the tribe and DEVA, a fair, binding dispute resolution process must be included in the legislation. DV-02 SV-03 W2-04

Thank you for your attention to these comments.

Sincerely,

*Stan Haye*

Stan Haye  
230 Larkspur St.  
Ridgecrest, CA 93555

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LEIS-036

OWENS PEAK GROUP

JAN 22 2000

KERN KAWEAH CHAPTER

SIERRA CLUB

Post Office Box 1569, Ridgecrest, CA 93556

6/20/00

Superintendent  
Death Valley National Park  
P. O. Box 579  
Death Valley, CA 92328

Dear Mr. Martin,

Thank you for sending us a copy of the DLEIS re: Timbisha Shoshone Homeland.

We respect the need, based on human decency and on the Desert Protection Act mandate, to consider making better provision for the Timbisha. Still, there are important questions about use of the land, water and other resources.

We have concerns about potential development and its impact on the environment, especially at Centennial. The nature of the Proposed Alternative is, perhaps understandably, a little vague. The details in many cases remain to be worked out between the Timbisha and the land management agencies, and this makes it hard to evaluate the proposal. C-01

How strict will the limits be on gathering, water use, development and even tourism in sensitive areas? We hope hunting continues to be banned in DEVA, but will it? E1H-02

We are very concerned about potential tourism, even ecotourism. If one assumes the Timbisha themselves are very careful in areas where sensitive species have been or may be found (especially p.71 and 72 and 81 - 83), what about paying or other guests of the tribe? E1H-03

In the case of disagreement between the Tribe and an agency, who has the final say? The laws are open to interpretation, and it has always been difficult. How does that work when another sovereign nation is involved? M1-04

Finally, we see a major difference between development at already developed areas such as D. V. Junction and at Centennial. It's hard to see how potential development at Centennial can be justified. C-05

Thank you for soliciting our comments.

*Jeanie S. Haye*  
Jeanie Stillwell Haye  
Conservation Chair



Author: "Ginny Ganthner" <gganthner@dinter.com> at np--internet  
 Date: 06/26/2000 8:04 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA  
 Subject: Legislative Environmental Impact Statement (LEIS) on Senate  
 ----- Message Contents

Virginia K. Ganthner  
 2270 Saddle Ridge Court  
 Reno, Nevada 89509

June 26, 2000

Dick Martin  
 Superintendent  
 Death Valley National Park  
 Furnace Creek, CA 92328  
 DEVA\_Superintendent@nps.gov  
 Re: Timbisha Shoshone Tribal Homeland Report

Dear Mr. Martin:

I have a number of concerns regarding the LEIS and urge you to reconsider this document.

First, I request that you extend the comment period beyond July 22, 2000. Many people go on vacation right after school lets out for the summer and haven't had a chance yet to respond. Also, the complete LEIS was not posted or mailed early enough to encourage or allow citizen response.

E2-01

Public comments have been largely ignored. This is not the way to gain support for passage of this bill.

Co-management of a national park does not safeguard the rights of all U.S. citizens to freely visit that park. There will undoubtedly be conflicts in the views of the various agencies as to proper park usage. Our national parks already have a national agency to oversee their use for all people. Death Valley National Park does not need a group with a singular and self-serving position to assist in its management. Is there co-management with Indian tribes at Yellowstone? At Yosemite? This sort of takeover is not only unnecessary but also undesirable for the majority of Americans not associated with the Timbisha tribe. This small minority of Native Americans can already enjoy Death Valley whenever they so desire--without needing to limit its use by all other citizens.

M1-02

Verification of the historical use of this land by the Timbisha tribe is lacking. If they claim their people lived in this area for generations, that claim should be backed by actual evidence. (I've only seen old miners' cabins and a few indications of migrating Indian tribes that wandered through the valley a century or more ago--nothing to suggest they ever lived at the springs for more than a few months at a time.)

HU-03

The many falsehoods and inconsistencies of the LEIS make the entire document suspect. Specific geographic area designations are either incorrect, missing entirely, or stated inconsistently in different portions of the document. The total area under consideration is listed in the LEIS as 750,000 acres but may actually be twice that amount of land. This is a huge parcel under consideration for this drastic change in management.

E1D-04

The LEIS does not evaluate the impact of the Indian development plans. Also, water studies are lacking. This desert area should not be considered for any

E1D-05

W2-06

P1-07



permanent type of development such as the Timbisha have suggested without a P1-08  
complete environmental assessment of its impacts, including a determination of  
what effect well drilling and pumping will have.

I urge you to extend the comment period and look again at the impact this E2-09  
legislation will have on a national park you are directed to protect for all  
U.S. citizens.

Sincerely,

Virginia K. Ganthner

ccs: The Honorable Richard H. Bryan (senator@bryan.senate.gov)  
The Honorable Harry Reid (senator\_reid@reid.senate.gov) The Honorable Jim Gibbons  
(mail.gibbons@mail.house.gov) spa@majorproduction.net



Author: Newton Suter <suters@earthlink.net> at np--int  
 Date: 06/26/2000 8:09 PM  
 Normal  
 TO: DEVA Superintendent at NP-DEVA  
 CC: spa@majorproduction.net at NP--INTERNET  
 Subject: Timbisha Homeland Proposal

----- Message Contents

June 26, 2000

Hello Superintendent Dick Martin,

SC-01

How sad it was to learn that our public comments written last summer regarding the Timbisha Homeland Proposal were largely ignored. I hope this second round of comments is taken seriously.

I urge you to extend the 10-day "extension" (to August 1, 2000) to at least six months (or a full year) to allow for reflective public comment regarding the Timbisha Shoshone draft legislative environmental impact statement (LEIS). Why the rush? Let's all avoid being bamboozled by jamming a controversial proposal through the channels. I am shocked to learn about the extent of deficiencies within the LEIS, and I hope more time will allow for corrections and clarifications. E2-02

I strongly oppose Senate Bill S.2012 and the concept of superimposing a Cultural Preservation Area in Death Valley National Park, especially one with co-management in any area of Saline Valley (and particularly the Warm Springs). No action in Congress should be taken while the LEIS itself is under a black cloud. I am troubled by its conflicting statements, poorly documented claims, inaccuracies, junk science, and absence of proper studies. M1-03 E1D-04

I trust you are in a position to influence lawmakers who might act responsibly by putting brakes on this proposal as long as the LEIS is shrouded in controversy. Passage of Senate Bill S.2012 with a deceptive LEIS would create problems that could be avoided by amending or correcting the current LEIS, or better yet, requiring a full Environmental Impact Statement. P1-05

Please consider a six- or 12-month extension of the public comment period. During this time, the deficiencies (deceptions?) of the LEIS will come to light. Our lawmakers will all be in a better position to act responsibly. E2-06

Sincerely,

Newton Suter  
 11117 Sabine Valley Drive  
 Little Rock, AR 72212-3133  
 501-221-2575  
 suters@earthlink.net

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LEIS-039

MR DICK MARTIN  
Superintendent DUNP.

6-22-2000

WE ARE ASKING FOR A 30 DAY  
EXTENSION ON THE COMMENT PERIOD FOR  
THE TIMBISHA SHOSHONE LEIS. WE FEEL  
THERE IS A LACK OF SCIENTIFIC DATA  
& CONFUSING INFORMATION ON THE LAND  
PARCEL AT CENTENNIAL FLAT. THE AMOUNT  
OF WATER PROPOSED TO BE EXTRACTED, WILL  
REWIND THE SURROUNDING SPRINGS, WILL  
ALSO HAVE A SEVERE DEBASTATING EFFECT  
ON DARWIN'S WATER SUPPLY. THESE  
CONCERNS ARE VERY IMPORTANT AND MUST  
BE ADDRESS.

E2-01

-C-02

W1-03

THANK YOU FOR YOUR CONSIDERATION.

Joe Andrews  
President Southern Owens Valley  
PFUSA

JUN 26



LEIS-040

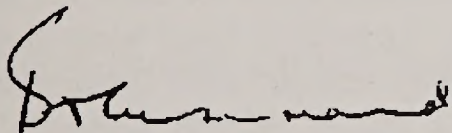
3817 Thomas Avenue South,  
Minneapolis, MN 55410

June 21st, 2000

Dear Sir,

I heartily endorse the proposed action, (alternative 1), to establish a permanent tribal land base for the Timbisha Shoshone. Having read the draft LEIS, I believe that the limited negative environmental impact from such an action is more than outweighed by the need to restore land to the Shoshone and to right the injustice of past years to these people.

Yours sincerely,



Barbara Cumnard

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**Joseph Koveleskie, M.D.**  
**Diplomate American Board of Anesthesiology**

14 Silvia Drive, Cazadero CA 95421 TEL 530 409 1855 FAX 504 896 2508 email:kovelesk@hsc.usc.edu

June 22, 2000

Dear Mr Martin,

The last time that I wrote with comments on the Timbisha Homeland Report with regards to Saline Valley Warm Springs, they were largely ignored. This is disappointing since this is such a meaningful issue for me.

SC-01

I reviewed aspects of the report and find that there are numerous issues that should be addressed before any decisions are made that will restrict public access to this beautiful land. And be sure, what is being proposed by the Timbisha Tribe will dramatically restrict or eliminate public access.

E1B-02

To give fair hearing to the public viewpoint I ask that the following points be considered:

**EXTENSION OF THE COMMENT PERIOD BEYOND THE CURRENT DEADLINE OF JULY 22, 2000.** This will give us more time to compare the many false, conflicting, and ambiguous statements in the LEIS Vol. 1 with documentation in Vol. 2, and to check the claims against independent sources. Also, the public was not notified in a timely and consistent manner: Volume 1 of the LEIS was mailed to some of the people on the distribution list, but Volume 2, which contains the documentation of the claims made in Vol. 1, was not routinely mailed. The LEIS was supposed to be available in public libraries in the affected communities, but it is not in many of these libraries. The LEIS was not posted on line in a timely manner. Many interested people were not notified of the public meetings held the week of June 12.

E2-03

**THE LEIS IS GEOGRAPHICALLY INACCURATE.** Geographic areas are inaccurately or vaguely described, or their location is not identified at all, as in the case of the "Indian Rancheria." The Tribe proposes to purchase two privately owned parcels in Saline Valley designated as the "Indian Rancheria." The LEIS states that the Timbishas' long-standing (but undocumented) occupation of the "Rancheria" is "proof" of the Tribe's interest in the Springs, which are in fact almost ten miles away, as the crow flies. The owners of the parcels in question were not contacted during the writing of the LEIS. The owner of one of the parcels, Marilyn Moyer, is NOT willing to sell her parcel, and we have reason to believe the other owners are not willing to sell either. The LEIS claims that 750,000 acres were

E1D-04

IR-05



originally considered for designation as the Natural and Cultural Preservation Area, but a more accurate estimate, verified by the local BLM office, is closer to 1.5 million acres. Members of Congress will not be aware of these inaccuracies, but those of us familiar with the areas in question know how deceptive the geographic descriptions are.

**THE LEIS CONTAINS CONFLICTING STATEMENTS.** For example:

Page 14 INDIAN RANCHERIA [Saline Valley, near Hunter Canyon]: "The level of use is envisioned to be residential at approximately the same level that has existed in the past. In addition there may be a small joint NPS/Tribal office for visitor information and resource management for the Saline Valley portion of the Park." SV-06

Page 93 INDIAN RANCHERIA: "Limited economic activities are anticipated at the Rancheria parcels." IR-07

Page 95 INDIAN RANCHERIA: "Specific land uses are not identified for the Indian Rancheria parcels."

Page 97 INDIAN RANCHERIA: "No specific development is anticipated at the Indian Rancheria."

**HISTORICAL CLAIMS ARE POORLY DOCUMENTED.** The Timbisha claim that they have a history of using the Springs for healing and ceremonial purposes. The main document they cite, by anthropologist/contractor Catherine Fowler, is not available for examination by the public. Available historical sources do not document this claim by the Timbisha. HU-08

Page 16 SALINE VALLEY SPRINGS "The Tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated with the springs. The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the Tribe to the area. The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs."

**FLAWED OR NONEXISTENT SCIENCE.** No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. Descriptions of plant communities at the Rancheria and the Springs are inaccurate and/or incomplete, and are treated as if the areas are identical. Anyone who is familiar with the Springs knows this to be entirely inaccurate. (See Page 67 INDIAN RANCHERIA.) E1D-09

**ABSENCE OF WATER STUDIES.** Another troubling example of inadequate science is the absence of water studies on Centennial Flat, where pumping of groundwater may have an impact on the spring in the Cosos that supplies the town of Darwin via a 7-mile pipeline. This concern is dismissed in the LEIS with the following deceptive paragraph: W2-10

Page 89 CENTENNIAL "Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1



mile north of the parcel boundary). Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat. Geologic and hydrologic data do not support this assertion, but adverse effects on groundwater availability at Darwin cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality. Small-scale withdrawals associated with limited residential uses would not be expected to adversely affect supplies at Darwin." The problem with this paragraph is that there are no wells in Darwin, nor any groundwater! The "exploratory well" on Centennial Flat has not been pumped and it is unknown whether it will supply any water, or what impact withdrawals of water will have on wildlife, plants, the town of Darwin and other holders of water rights. Although Centennial Flat is not part of Saline Valley, the dishonest discussion of this parcel in the LEIS is strong evidence that the document is defective.

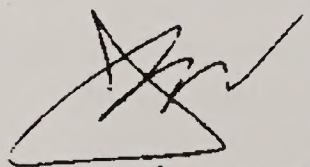
W2-11

#### LEIS Drafters Didn't Do Their Homework!

The LEIS is inherently flawed as detailed in the enclosed letter to Mr. Martin. Within the LEIS there are many discrepancies, contradictions, and false or undocumented assertions. Much of the environmental evaluation is ill-informed, incomplete and based on bad science. The maps provided in the report are vague and do not reveal the reality of the territory proposed for "co-management" by the Timbisha. Public comments have been ignored at recent public meetings. Park officials conceded that many of the letters of concern written by members of the Saline Preservation Association (SPA) and the general public were not included in documentation for the LEIS since they did not specifically address the technical issue of the land transfer. This seems like a runaround based on a technicality. In fact, none of the members of the Senate Indian Affairs Committee who reviewed the Homeland Proposal saw ANY of the letters written by the concerned public. In the words of Senator Inouye's aide (the senator sponsoring the legislation), the Indian Affairs Committee didn't have time to read all the public comments, and it was a "judgment call" on the part of the Department of the Interior as to what comments deserved their attention.

E1D-12

Sincerely,



cc Senate and Congress members



Dick Martin, Supt.  
Death Valley Natl Park  
P.O. Box 579  
Death Valley Ca  
92328

Received, Calif-  
20 June 2000

LEIS-042

Timbisha Shoshone Tribal Homeland LEIS =

1. The 30 day extension of the comment period is inadequate. It contains many inconsistencies showing lack of knowledge. It should not be acted on until the General Management Plan for the Death Valley National Park is completed and a 60 day comment for the public allowed before it is permanent. P2-01

2. What happened to the pumping studies at Centennial Flat? Would increased pumping impact Darwin community water supplies? Dry up springs + existing wells impacting wild life and live-stock? W2-02

3. Saline Valley Warm Springs! The Indians want to keep the present users of the springs out of the area. The present users maintain them, and have for 40 years or more. ~~that~~ The present users respect the values of these special Warm Springs. (I thought I had found Paradise, the first time I arrived there). And, yes, Indians have always been welcomed at the Warm Springs. SV-03

4. The so-called "Rancheria" in Saline Valley is actually 2 privately owned plots sold by the Indians in the 1920's. One of the present owner does not want to sell + the other has not been contacted. IR-04

page 2 for 5.



5. Should this small branch of the Shoshone have control, or even "co-management" of 1,500,000 acres, much of it in a national park. Before a law is passed, many more studies are needed to expand & correct the LEIS. More time is needed for comments from the local government agencies and the people impacted by the Timbasha Shoshone Tribal Homeland. The Timbasha are probably in need of a Homeland, but should this be at the expense of the current users & owners. Senate Bill 2162 should be tabled until more study is given to it.

Sincerely

Sterling C. Kendrick

Sterling C. KENDRICK  
728 W. Bennett St.  
Ridgecrest CA-93555

also: Rep. Thomas  
Sen. Boxer



LEIS-043

P. O. Box 1106  
Ridgecrest, CA 93556  
June 24, 2000Superintendent  
Death Valley National Park  
P. O. Box 579  
Death Valley, CA 92328

Dear Mr. Martin,

I am writing to comment on the Draft Legislative Environmental Impact statement (DLEIS) for a Timbisha Shoshone Homeland.

My principal objection to the DLEIS is that, to put it succinctly, it simply goes too far, far further than the applicable legislation either intended or provided. It was never intended that Death Valley, in its entirety be turned into a *de facto* reservation. It was intended by the Congress that a land base to be held in trust be transferred to the Tribe - nothing more.

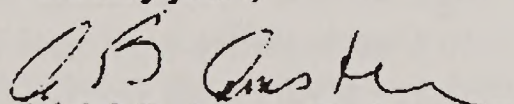
It is within the provisions of existing legislation that an MOU be signed covering management of the pinyon nut gathering areas, specific mesquite groves and other areas of special interest. Temporary closures could be accommodated for specific tribal religious purposes.

Assuming that additional legislation is sought, provisions should include:

1. No hunting should be allowed in the Park under any circumstances. HT-03
2. Saline Valley should remain subject to and within the Park; it should not be transferred to the Tribe. SV-04
3. All water rights within the Park and the town of Darwin must be given specific protection. W1-05
4. Lastly, in the case of dispute (s) between the Park and the Tribe a fair binding resolution process should be defines in the legislation. E1B-06

Thank you for the opportunity to comment.

Sincerely yours,

  
Adolph B. Amster, Ph. D.



CALIFORNIA LEGISLATURE

STATE CAPITOL  
SACRAMENTO, CALIFORNIA  
95814

June 25, 2000

Superintendent  
Death Valley National Park  
Death Valley, CA 92328

Dear Superintendent,

I have read the Timbisha Shoshone draft LEIS and have mixed feelings about the proposals. I am in favor of the proposals, as I understand them, that are recommended in the document except for the sections dealing about the control of the hot springs in the Saline Valley. I believe that the operation and control of these springs should remain as it currently is, a wilderness campground that is open to year-round use under the control of the NPS. The community of people who currently use the springs have actively managed the springs for over 35 years and have shown great reverence and care of the resources during this time. They must be allowed continued use of these resources. The LEIS even notes that the Timbisha tribe may have had a presence in the area of the springs. This finding alone should exempt the springs from the transfer to the tribe. SV-01

I would urge you to amend the LEIS to reflect the removal of the hot springs from the proposed land transfer for the Indian Rancheria parcel. The Saline Valley hot springs should be viewed as valuable resources that should remain open to all visitors to Death Valley National Park. Do not allow the community of people who love and have long cared for these springs to be displaced and silenced. SV-02

Sincerely,  
Michael Russell  
Wendy Russell  
5131 11th Avenue  
Sacramento, CA 95820



LEIS-045

## COMMENT FORM

TIMBISHA SHOSHONE TRIBAL HOMELAND

mail to:

Superintendent

Death Valley National Park

P.O.Box 579

Death Valley, CA 92328

Date: JUNE 26, 2000Your name: CHRISTINE TATUMAddress: P.O. Box 544City: GOLDFIELD State: NY Zip: 89013

Comments:

I COMPLETELY SUPPORTALTERNATIVE TWO - NO ACTIONComments can also be made electronically at <http://www3.iwvisp.com/blm/report>



## COMMENT FORM

TIMBISHA SHOSHONE TRIBAL HOMELAND

Mail to:  
Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

Date: 6-25-00Your name: Fred KettenAddress: PO Box 544City: Goldfield State: NV Zip: 89013

Comments:

Support alternative two, No action

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Comments can also be made electronically at <http://www3.iwvisp.com/blm/report>



LEIS-047

**COMMENT FORM**

TIMBISHA SHOSHONE TRIBAL HOMELAND

mail to:  
Superintendent  
Death Valley National Park  
P.O.Box 579  
Death Valley, CA 92328

Date: June 12, 2000

Your name: Arthur Taylor

Address: HCR 69, Box 413

City: AMARGOSA VALLEY State: NV Zip: 89020

Comments:

I completely support:  
Alternative Two - NO ACTION

Comments can also be made electronically at <http://www3.lwyisp.com/blm/report>



LEIS-048

23229 Ladeene Ave.  
Torrance CA 90505  
(213) 378-9535  
27 June, 2000

Dick Martin, Superintendent  
Death Valley National Park

Re: Extension of the July 22, 2000 deadline for comment on the Timbisha  
LEIS.

Dear Mr. Martin:

I feel that the issues involved in the Legislative Environmental Impact  
Statement (LEIS) are too many and complex to be settled in the time  
allotted. A thirty day extension requested by the Inyo County Board of  
Supervisors would seem to be the bare minimum.

E2-01

I feel they should have a great deal to say about what goes on in their  
county.

E2-02

The General Management Plan for the park has not been issued yet

P2-03

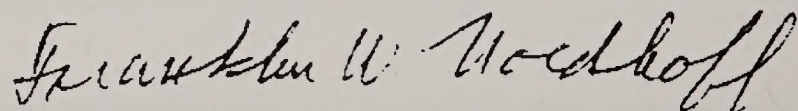
It seems there is an effort to rush the Timbisha Bill and LEIS through  
Congress before the public understands the issues.

The LEIS has a number of inconsistencies, inaccuracies and seems to be a  
flawed document.

E2-04

I was disappointed to find that The Indian Affairs Committee didn't see any  
of the letters we sent in.

Sincerely



Franklin W. Nordhoff



## LEIS-049

24 June 2000

Senator Gordon Smith  
404 Russell Senate Office Bldg.  
Washington, DC 20510

Senator Ron Wyden  
516 Hart Senate Bldg.  
Washington, DC 20510

**Re: Senate Bill S.2102**

Dear Senators Smith and Wyden:

Please vote NO on Senate Bill S.2102.

I publish recreation books for pilots and have an interest in keeping our western recreation areas pristine and available to the public. The government-sponsored changes in the Death Valley area are a disturbing threat. Further, there is frequent evidence of unethical "railroading" in the process. E2-01

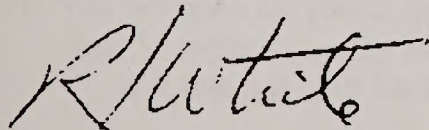
The recent process for changing the Death Valley area has been seriously flawed. Its documents have been inaccurate and apparently intentionally deceptive. Examples:

- Geographic names have been changed.
- Ownership and availability of sections of land are wrong. (Indian Rancheria) IR-02
- The maps are often vague, omitting critical points of interest. E1D-03
- Historical claims of usage (by Timbisha Tribe) are not substantiated. HU-04
- The science is flawed or lacking. E1D-05
- Inadequate water studies. W2-06
- Spotty distribution of the reports. (Legislative Environmental Impact Statement) E1D-07

I am concerned that the federal process for change in the Death Valley area has been costly to taxpayers, and it may become "another federal blunder." E2-08

It not too late; you can help. Please consider voting NO for Senate Bill S.2102

Sincerely,



Reed I. White

CC: Superintendent of Death Valley National Park  
Saline Preservation Association

Alta Research - 131 NW 4<sup>th</sup> Street PMB 290 - Corvallis - OR 97330-4702 - U.S.A.  
Phone fax: 541-929-5738 - Email: [alta@alta-research.com](mailto:alta@alta-research.com) - Web: <http://www.alta-research.com>



LEIS-050

JUN 29

FRANCIS M. WHEAT  
333 SOUTH GRAND AVENUE  
SUITE 4600  
LOS ANGELES, CALIFORNIA 90071

(213) 229-7661

June 27, 2000

Mr. Richard Martin  
Superintendent  
Death Valley National Park  
Death Valley, California 92328

Re: *Timbisha Shoshone*

Dear Dick:

The major issue for us is to make absolutely sure, in the legislation and regulation, that the Indians will not be permitted to take, for religious or any other purpose, any living animals from the Park. To allow this would be a tremendous step backward from the fundamental policy of our national parks. We're also concerned about the taking of plants by the Indians. If solely for the purpose of food gathering for use inside the Park, and at all times under the control of the Park Administrator, we could stomach it. HT-01 E1H-02

Primarily, we are concerned that all actions of the Indians, inside the cooperatively administered areas within the Park's boundaries, be subject to the ultimate control of, and possible veto by, the Park Service. The Park Service must have the final say, and final responsibility, for what is done. M1-03

We know you've heard from many who treasure the warm springs in Saline Valley. Having been there many times and in view of the traditions which have grown up around those springs, we believe it would be a very big mistake to permit the Indians to manage any part of SV-04

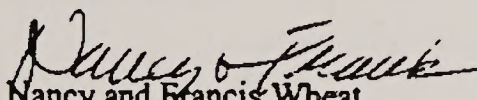


Mr. Richard Martin  
June 27, 2000  
Page 2

the limited areas around these springs. Mesquite Spring and Warm Sulphur Spring are an SV-05 entirely different matter.

Good luck with this difficult project!

Sincerely,

  
Nancy and Francis Wheat

FMW/bc  
Enclosure(s)

10392651\_1 DOC



LEIS-051

John Dukes and Julie Elizabeth Robinson  
PO Box 1221, Ridgecrest, CA 93556-1221  
Tel: 1-760-8281 Email: jr@solutionsunlimited.com

JUN 29

June 26, 2000

Bill Thomas (R) 21st Dist.  
2208 Rayburn Office Bldg.  
Washington, D.C. 20515

Re: Senate Bill S.2102

cc. Dick Martin, DVNP

Dear Representative Thomas:

We are writing you with our concerns because public input has basically been<sup>SC-01</sup> previously ignored by the Death Valley National Park Service.

We are against the passing of Senate Bill S. 2102 and request an inquiry into the proposed Timbisha Shoshone land transfer because the LEIS bypasses many of the safeguards provided by the bypassed Environmental Impact Report. The LEIS<sup>P1-02</sup> has many discrepancies, contradictions, and false or undocumented assertions. Much of the environmental evaluation is ill-informed, incomplete and based on bad science. With such discrepancies we find it reasonable to have an inquiry and demand that these discrepancies, contradictions and false or undocumented assertions be looked at more closely and verified or corrected by reliable (documented) sources. Also disputed is the actual land which is involved. The inconsistencies prevail as seen in the most recent June 19<sup>th</sup> News Release from the National Park Service (Tim Stone 760-786-3236) mentions a total of under 10,000 acreage being transferred (previous acreage is listed as 7500 acres or 750,000 acres<sup>E1D-03</sup>). When looking at the poorly drawn maps in the back of the LEIS, it appears to be more like 1.5 million acres. Clearly, there are questions that need to be answered and documented more clearly. Neither the LEIS nor the pending Congressional legislation provides any safeguards to protect continuing access to these areas (specifically the Saline Valley) by the large numbers of people from all over the world that currently regularly visit and maintain this area without cost to the public.

Further:

1. We request an extension beyond the August 1, 2000 deadline. It will take time to<sup>E2-03</sup> compare the many false, conflicting and ambiguous statements in the LEIS Vol. 1 with documentation in Vol. 2 and to check the claims against independent and reliable sources.
2. The LEIS is geographically inaccurate. Geographic areas are inaccurately or<sup>E1G-04</sup> vaguely described, or their location is not identified at all, as in the case of the



"Indian Rancheria." The Tribe proposes to purchase two privately owned parcels in the Saline Valley designated as the "Indian Rancheria." The current owners of the parcels in question were not contacted during the writing of the LEIS. We understand at this time that neither owner wants to sell their parcels. The LEIS describes the Warm Springs as being adjacent to Indian Rancheria but in fact it is 7 miles across the desert. IR-05

3. The LEIS contains conflicting statements of purpose. For example, on p. 14, 93, 95 and 97, respectively, it makes the following statements about Indian Rancheria: E1D-06  
a) "...the level of use is envisioned to be residential at approximately the same level that has existed in the past." Page 14 IR-07

- b) "Limited economic activities are anticipated at the Rancheria parcels" page 93
- c) "Specific land uses are not identified for the Indian Rancheria parcels." page 95
- d) "No specific development is anticipated at the Indian Rancheria." page 97

These statements are made for an area which includes parcels that are privately owned and are NOT for sale. One also asks, were this to go through, would this then set a precedent for other public/private lands in the United States?

4. Historical Claims Are Poorly Documented. The Timbisha claim that they have a history of using the Springs for healing and ceremonial purposes. The main document they cite, by anthropologist/contractor Catherine Fowler, is not available for examination by the public. Available historical sources do not document this claim by the Timbisha. p. 16 SALINE VALLEY SPRINGS "The Tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated with the springs." HU-08

"The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the Tribe to the area. The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs."

5. Flawed or Nonexistent Science. No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. Descriptions of plant communities at the Rancheria and the Springs are inaccurate and/or incomplete, and are treated as if the areas are identical. Anyone who is familiar with the Springs knows this to be entirely inaccurate. (See p. 67 INDIAN RANCHERIA.) E1D-09

6. Absence of Water Studies. Another troubling example of inadequate science is the absence of water studies on Centennial Flat, where pumping of groundwater may have an impact on the spring in the Cosos that supplies the town of Darwin via a 7-mile pipeline. This concern is dismissed in the LEIS with the following deceptive paragraph: p. 89 CENTENNIAL: "Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north C-10

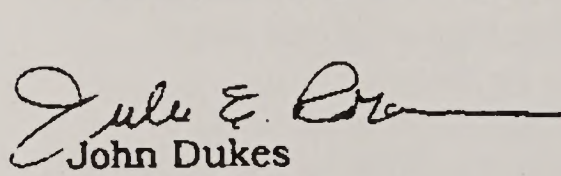
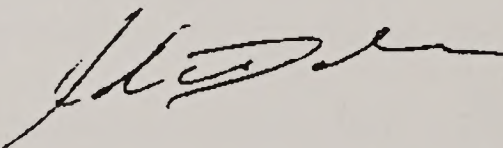


John Dukes and Julie Elizabeth Robinson  
PO Box 1221, Ridgecrest, CA 93556-1221  
Tel: 1-760-8281 Email: jrasolutionsunlimited.com

of the parcel boundary). p. 89 CENTENNIAL "Water is available to the parcel from C-11  
surface water sources (at Black Rock Springs, south of the parcel) and groundwater  
(an exploratory well, which encountered water, was installed approximately 1 mile  
north of the parcel boundary). Concerns have been raised that substantial W1-12  
withdrawals of water from the Centennial Flat area could adversely affect water  
supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat.  
Geologic and hydrologic data do not support this assertion, but adverse effects on  
groundwater availability at Darwin cannot be precluded without assessment of  
aquifer boundaries, production capacity, and water quality. Small-scale withdrawals  
associated with limited residential uses would not be expected to adversely affect  
supplies at Darwin." The problem with this paragraph is that there are no wells in  
Darwin, nor any groundwater! The "exploratory well" on Centennial Flat has not  
been pumped and it is unknown whether it will supply any water, or what impact  
withdrawals of water will have on wildlife, plants, the town of Darwin and other  
holders of water rights. Although Centennial Flat is not part of Saline Valley, the  
dishonest discussion of this parcel in the LEIS is strong evidence that the document C-13  
is defective.

We have covered a number of the items only briefly. There is an item by item  
documentation as to the inconsistencies and inaccuracies which can be supplied on  
request.

Thank you for your help.

  
John Dukes  
  
Julie E. Robinson

cc: Dick Martin: DVNP  
Senator Dianne Feinstein  
Senator Barbara Boxer



LEIS-052

JUN 28

June 26, 2000

Mr. Dick Martin, Superintendent  
Death Valley National Park  
P. O. Box 579  
Death Valley, CA 92328      Re: Timbisha Shoshone draft LEIS

Dear Dick:

I am writing first, to request at least a 30-day extension of the public comment period for the above referenced LEIS, and, second, to express my opposition to Senate Bill S.2012, which, as presently written, fails to provide any safeguards to protect continuing public access to vast areas of public land in Death Valley National Park.

The LEIS contains many discrepancies, contradictions and false or undocumented assertions. Much of the environmental evaluation is ill-informed and based upon bad science. The maps provided in the LEIS are vague and do not reveal the reality of the area proposed for "co-management" by the Timbisha Shoshone.

I am deeply upset that the more than 300 letters of concern written to you about the proposed Timbisha Shoshone Homeland LEIS were apparently ignored; letters from the public that should have been shown to Congressional Committees reviewing this legislation.

The Inyo County Board of Supervisors was not made aware of problems with the LEIS until June 20, 2000. They were so concerned that they voted unanimously to request an extension of the public comment deadline. I understand that you have now granted a 10-day extension. This is totally inadequate. At least a 30-day extension is needed to allow the public to address the errors and misinformation contained in the LEIS.

An example of conflicting statements in the LEIS are:

p.14 INDIAN RANCHERIA (Saline Valley, near Hunter Canyon):  
*"The level of use is envisioned to be residential at approximately the same level that has existed in the past. In addition there may be a small joint NPS/Tribal office for visitor information and resource management for the Saline Valley portion of the Park."*

p.93 INDIAN RANCHERIA:  
*"Limited economic activities are anticipated at the Rancheria parcels."*

p.95 INDIAN RANCHERIA:  
*"Specific land uses are not identified for the Indian Rancheria parcels."*



p. 97 INDIAN RANCHERIA:

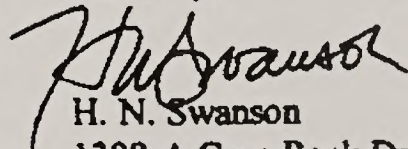
IR-08

*"No specific development is anticipated at the Indian Rancheria."*

Adding to the confusion is the fact that the so-called Indian Rancherias are held in private ownership and the owners have indicated very strongly that they are **not willing sellers**.

The LEIS claims that 750,000 acres were originally considered for designation as the Natural and Cultural Preservation Area, but a more accurate estimate, verified by the BLM, is closer to 1.5 million acres. Members of Congress will not be aware of these inaccuracies, but those of us familiar with the areas in question know how deceptive the geographic descriptions are.

Sincerely,



H. N. Swanson  
1308-A Cave Rock Drive  
P. O. Box 975  
Zephyr Cove, NV 89448

cc: Senator Richard Bryan  
Senator Harry Reid  
Representative Jim Gibbons



LEIS-053



**BOARD OF SUPERVISORS  
COUNTY OF INYO**

P. O. BOX 5 • INDEPENDENCE, CALIFORNIA 93526  
TELEPHONE (760) 878-0373 • FAX (760) 878-2241

MEMBERS OF THE BOARD:  
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RENE L. MENDEL  
Clerk of the Board

PATRICIA GUNSOLE  
Assistant Clerk of the Board

June 20, 2000

Richard H. Martin, Superintendent  
Death Valley National Park  
Post Office Box 579  
Death Valley, CA 92328-0579

**SUBJECT: County of Inyo Request for a 30-day Extension to the 60-day Public Comment Period for the Draft Legislative Environmental Impact Statement, Timbisha Shoshone Tribal Homeland, Death Valley National Park, California.**

Dear Superintendent Martin:

On June 20, 2000, the Inyo County Board of Supervisors held a workshop to review the Draft Legislative Environmental Impact Statement (LEIS) for the Timbisha Shoshone Homeland in Inyo County, California, and Nye and Esmeralda Counties in Nevada.

We are concerned about the opportunity for all interested parties, including the County of Inyo, to have adequate time to review the LEIS and provide informed comments. Inyo County has not been afforded the opportunity to participate as a Cooperating Agency under NEPA in the development of the LEIS. A 30-day extension to the comment period, until August 22, 2000, would help ensure potential environmental impacts are adequately identified at the Draft LEIS stage. E2-01

Thank you for your consideration of this request. Please contact Charles S. Thistlethwaite, AICP Planning Director at (760) 878-0263 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Dorame", is written over a horizontal line.

Michael Dorame, Chairperson  
Inyo County Board of Supervisors

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



## LEIS-054

Jeff Joslyn  
691 Panther Ln.  
So. Lake Tahoe  
CA 96150

Mr. Dick Martin, Superintendent  
Death Valley National Park  
F.O.B. 579  
Death Valley, CA 92328

Dear Mr. Martin

I am requesting an extension of the comment period on the Legislative Environmental Impact Statement on the Timbisha Shoshone Tribal Homeland Report because: E2-01 |

1. The LEIS cannot be fully evaluated until the revised General Management Plan (GMP) for Death Valley National Park is available. The GMP is due to be issued later this summer. P2-02 |

2. It will take time to compare the many false, conflicting, and ambiguous statements in the LEIS Vol. 1 with documentation in Vol. 2 and to check the claims against independent sources. E1D-03 |

3. The public was not notified in a timely and consistent manner: Vol. 1 of the LEIS was mailed to some of the people on the distribution list, but Vol. 2, which contains the documentation of the claims made in Vol. 1, was not routinely mailed. The LEIS was supposed to be available in Public Libraries in the affected communities, but it is not in many of these libraries. The LEIS was not posted on line in a timely manner. Many interested people were not notified of the public meetings held the week of June 12. P4-04 |

4. The LEIS is geographically inaccurate. E1G-05 |

5. The LEIS contains conflicting statements. E1D-06 |

6. Historical claims are poorly documented. HU-07 |

7. No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. E1D-08 |

8. The LEIS contains no water studies. W2-07 |

In addition, the Inyo County Board of Supervisors voted unanimously to request this extension, being that most of this occurs in their county should, they not be listed as a cooperating agency. E2-08 |

Sincerely,

Jeff Joslyn

cc: Rep. John T. Doolittle  
Sen. Barbara Boxer  
Sen. Dianne Feinstein



LEIS-055

Author: eva@evaseay.com at np--internet  
Date: 06/30/2000 9:03 PM

Normal

TO: DEVA Superintendent at NP-DEVA  
Subject: Saline Valley

----- Message Contents

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

E1D-01

To illustrate my concern, according to Mr. Essington, your Mining Engineer, the Amfac water rights at Furnace Creek are incorrectly described on page 38 of the LEIS. He said that the figure of

2,064 cubic feet per second was a "typo," and the correct number should be 2.064 cubic feet. Mr. Essington also confirmed that the last part of

Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

These two very serious errors in the LEIS reinforce my previous perception that it is a severely defective document.

I hereby request that a further 60 day extension of the comment period be granted. Perhaps the responsible agencies can be a bit more proactive in notifying the public of other "typos" that are seriously misrepresenting the facts.

E2-02

Respectfully,

Eva Seay

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: "Donna Hamman" <hammanz@worldnet.att.net> at np--internet  
Date: 06/30/2000 9:52 AM  
Normal  
TO: DEVA Superintendent at NP-DEVA  
Subject: Saline Valley Proposals

----- Message Contents

I understand some new proposals are underway as to the use of the Saline valley. I also understand some have asked for an extension of time to consider the impact reports and evaluate data. I see no reason why a longer extension should not be granted unless someone is trying to move something through too quickly for the public to read all the data.

Please extend the evaluation period.

E2-01 |

Chris Hamman  
1681 the alameda #3  
san jose, ca 95126



Author: Dennis Murphy <dennis@bustools.com> at np--internet  
 Date: 07/01/2000 9:39 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA  
 Subject: URGENT: Extension for Timbisha LEIS  
 ----- Message Contents

Mr. Martin:

As a long time visitor to Saline Valley, I am still in shock of the way this matter is being handled. I am writing to every politician and public figure that I can possibly contact via email and postal service to ensure that this process is inspected for validity and founded on what is right for the public and not just special interests.

Please do not take this matter lightly as I and many others are bound to continue to enlighten our representatives of the entire matter.

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

E1D-01

I hereby request that a further 60 day extension of the comment period be granted. Perhaps the responsible agencies can be a bit more proactive in notifying the public of other "typos" that are seriously misrepresenting the facts.

E2-02

Passionately,

Dennis & Vicki Murphy  
 1925 Elmsbury Road  
 Westlake Village, CA 91361

CC:

Rep. Brad Sherman  
 Rep. Elton Gallegly  
 Sen. Barbara Boxer  
 Sen. Dianne Feinstein

Dennis Murphy  
 Computer Bus Tools  
 805-376-6040 (fax: 707-667-2972)  
 dennis@bustools.com  
 www.bustools.com

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: "Jim Osmundson" <josierra@gorge.net> at np--internet  
Date: 07/02/2000 11:39 AM  
Normal

TO: DEVA Superintendent at NP-DEVA  
Subject: Timbisha Homeland legislation

----- Message Contents

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. My experience with the area that you are superintendent for goes back 50 years now. At no time have I ever seen Native Americans in my travels north and south, east and west across the new considerable area of Death Valley National Park.

You are aware of the Amfac water rights error and the fact that the proposed homeland issues/set asides for the Native Americans are missing from the legislation. My take on the situation is that the work that present users of the areas have done much to preserve and protect the areas in question while the Native Americans have done nothing.

I request that a longer extension of the comment period be granted perhaps at least 6 to 12 more months so that important corrected and missing information can be included in a revised form. It seems that too often the concessionaires and other groups not involved in protecting what our society holds in trust for future generations are given a free hand while the average citizen is ignored.

E2-01

My recent trip across and around Saline Valley, over Hunters Mountain and north, then south through Death Valley proper indicates that a great deal more care is needed to protect these lands. It appears that much has been lost and that we are the poorer for it.

Please keep me advised of proposed changes and forward copies of documents about this and other issues affecting one of my favorite parks.

Sincerely,

Jim Osmundson  
PO Box 1669  
White Salmon, WA 98672  
josierra@gorge.net



Kathy Goss PO Box 9 Darwin CA 93522

LEIS-059  
(760)876-8313

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR

June 28, 2000

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

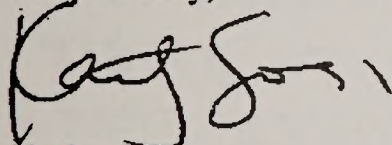
In response to my previous inquiry to Joanne DeGraff, I finally received a call today from Mel Essington of Death Valley National Park.

According to Mr. Essington, the Amfac water rights at Furnace Creek are incorrectly described on page 38 of the LEIS. He said that the figure of 2,064 cubic feet per second was a "typo," and the correct number should be 2.064 cubic feet. Mr. Essington also confirmed that the last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-01

These two very serious errors in the LEIS reinforce my previous perception that it is a severely defective document.

I hereby request that a further 60-day extension of the comment period be granted. Perhaps the responsible agencies can be a bit more proactive in notifying the public of other "typos" that are seriously misrepresenting the facts. E2-02

Respectfully,



Kathy Goss

cc: Senator Daniel Inouye  
Senator Dianne Feinstein  
Congressman Jerry Lewis  
Congressman Bill Thomas  
Congressman Tom Campbell  
Supervisor Michael Dorame



28 JUN 00  
LEIS-060

DICK MARTIN  
SIR

I'M WRITING YOU TO PROTEST WHAT I BELIEVE TO BE A "RUSHING THROUGH" APPROACH TO SENATE BILL 2012, THE "TOSHIMBA HOMELANDS" THING. I HAVE NO REAL OBJECTIONS TO THE INDIANS RECEIVING SOME LAND TO CALL THEIR OWN, HOWEVER, THERE ARE SOME STRANGE THINGS GOING ON HERE —

FOR STARTERS, WHY WAS A LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT EMPLOYED INSTEAD OF A FULL ENVIRONMENTAL IMPACT REPORT? A FULL E.I.S. HAS MANY MORE SAFEGUARDS THAN A L.E.I.S., ESPECIALLY IN PLANS FOR DEVELOPMENT— AND SINCE WHEN HAS ANY GROUP, OBSCURE INDIAN TRIBE OR ANYONE ELSE, BEEN ALLOWED TO "CO-MANAGE" A NATIONAL PARK? ALMOST HALF THE AREA OF DEATH VALLEY N. P. IS INVOLVED  
THIRD, THE INYO COUNTY BOARD OF SUPERVISORS HAVE NOT BEEN GIVEN ADEQUATE TIME TO ASSESS THIS WHOLE ADVENTURE. I AM CONVINCED THAT THE 10 DAY EXTENSION, THAT I WAS DULY NOTIFIED OF, IS ANOTHER ATTEMPT TO RUSH THINGS THROUGH, THERE ARE TOO MANY INACCURACIES AND INCONSISTANCIES IN THE L.E.I.S. ALONE TO BE ADDRESSED IN ONLY 10 DAYS!

P1-01

M1-02

E2-03



(2)

ONE EXAMPLE WOULD BE THE CONFLICTING IR-04  
STATEMENTS ABOUT THE INDIAN RANCHERIA  
(I SAW SEVERAL) — ANOTHER WOULD BE THE W1-05  
VAGUE STATEMENTS ON WHAT MIGHT HAPPEN  
TO THE WATER SUPPLY TO THE TOWN OF DARWIN.  
I'M RATHER GLAD I DON'T LIVE THERE!  
ETC-ETC-ETC

THEREFORE, I FIRMLY BELIEVE THAT E2-06  
A FURTHER EXTENSION, (AS REQUESTED BY  
THE INYO COUNTY BOARD OF SUPERVISORS),  
BE GRANTED.

THIS WHOLE CONCEPT IS A SERIOUS  
MATTER THAT REQUIRES CAREFUL STUDY.

BOB LODGE  
18008 CARLTON AVE  
CASTRO VALLEY CA. 94548

Sincerely  
Bob Lodge

COPIES: SEN INOUE  
SEN BOXER  
SEN FEINSTEIN  
REP STARK  
REP TAUSER  
GOV DAVIS



To:  
Superintendent, Death Valley

From:  
2508 Portola Way  
Sacto. CA 95818  
6-28-00

Dear Mr. Martin,

I am writing in support of preservation of the Saline Hot Springs.

I am very unhappy with the LEIS. It's: E1D-01

- Inaccurate
- Poorly drafted -- including conflicts
- Relies on fictions (or documents we the public aren't allowed to see)
- Incomplete, skipping the local ecology and ignoring the absence of water studies.

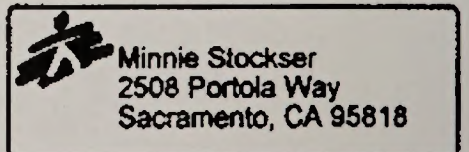
P1-02

I want a full EIS and full consideration and protection for current use of saline. It is fair to share use -- not to destroy current use.

I oppose SB 2012.

Sincerely,  
Minnie Stockser

cc: Dianne Feinstein, US Senate  
Barbara Boxer, US Senate  
Bob Matsui, US House of Reps.





## LEIS-062

July 2, 2000

Dick Martin, Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley, CA 92328

Dear Mr. Martin,

This letter contains comments concerning the Timbisha Shoshone Homeland DLEIS.

### 1) Mining and Gambling.

I am suspicious that an underlying motive for the Tribe is establishment of gambling and mining. According to all documents so far these activities are precluded *from the Park only*, not from other proposed Timbisha areas. Verbally, representatives of the Timbisha have emphatically stated to me that there is no such motive. Given that, I asked their legal representative, Dorothy Alther, verbally and via letter, to put my mind at ease by including prohibition of mining and gambling for all transferred lands, not just the Park. Ms Alther did not respond to my letter. Verbally she responded that the tribe would commit to such prohibition, except that they did not want to speak for those who come after we are gone. MG-01

This argument, that the tribe can't make rules their descendents might not like, is just plain silly. Were society to live by this concept we would never make any laws, rules or regulations for fear of descendent disapproval. The specious verbal response, the lack of written response, and the refusal to commit verbal assurances to contract make me even more suspicious of the gambling and mining motive. If the tribe is indeed emphatically against gambling and mining on all their lands, then it costs nothing to commit to it. But they refuse to commit.

The DLEIS, and all proposed legislation to transfer land, MUST include language that prohibits the tribe from using transferred lands for mining or gambling. These activities are as invalid outside Park boundaries as they are inside.

### 2) Centennial

I am opposed to any permanent, modern development at Centennial— houses, economic development of any size, and necessary supporting infrastructure. This is pristine, virgin desert land, disturbed only by relatively benign access roads and occasional grazing. It is in an area of wide, unbroken similarly C-02



virgin land—one of the characteristic features of the Death Valley area deserts. With time such areas will become more and more valuable to our society, both Indian and non-Indian. To break this section of the desert is shortsighted, and should not be allowed to happen.

I do not object to “traditional” Indian uses of Centennial. I do not object to transfer of the proposed area to Indian control. What I do object to is permanent modern development.

3) Indian Rancheria

In Saline, undefined land referred to as “Indian Rancheria” is proposed for purchase for the Timbisha. Distinct from all other proposed land transfers, the specific land is unidentified. I wrote you a letter asking for identification. You did not respond. I asked you at the Lone Pine public meeting for identification, and your response was that “everybody knows what the lands are.” Well, I don’t know, I can only suspect and guess, and for all you and I can tell many others are in the same state of ignorance.

IR-03

You ask for comments on the DLEIS. It’s impossible to comment intelligently on Indian Rancheria without knowing what it is. Any other Indian Rancheria comments you get will be invalid, unless the commenter states specifically and correctly that he/she knows which lands are in question.

4) Saline

Even more than Centennial, Saline is no place for any economic development, Indian or non-Indian, large or small. It is just plain inappropriate there. Currently there are no commercial or ‘economic’ facilities there, and to start such, on even a small scale, would be a travesty. Any legislation should, instead of mentioning the possibility of development in Saline, specifically prohibit such.

SV-04

5) Development at Indian Rancheria

Scattered statements about the Indian Rancheria throughout the DLEIS are somewhat difficult to follow, but if I read them right they summarize to the following:

- Indian Rancheria may be developed in the future. (... any future development ...) (p.95)
- The character of this development is now unknown, except that “...level of use is envisioned to be residential at approximately the same level that has existed in the past” (p.14)  
and  
“...No development is identified for the parcels...” (p.88)



and

"... residential uses would be consistent with historical uses .." (p.95).

- Some non-residential use is contemplated (...there may be a small joint NPS/Tribal office...)(p.14).
- Some economic use is contemplated (..... Limited economic activities are anticipated...)(p.93)

This summary comes after careful gleaning of the document, and computer searching the DLEIS text downloaded from your website. It looks like the DLEIS is confused about Indian Rancheria, and even if it is not it takes a very careful and time-consuming reading to pick out the above points. Very few DLEIS readers will understand the Indian Rancheria situation. It's confusing, and you cannot expect intelligent comment on the subject.

6) In light of the above, namely:

IR-05

- The Indian Rancheria land is not identified,
- Indian Rancheria proposal in the DLEIS is essentially impossible to understand,
- There is serious question that Saline should see any non-traditional development,

you should remove all Indian Rancheria proposals and considerations until the public has been properly informed and has had opportunity to comment intelligently.

7) Historic Saline Use

HU-06

It's claimed that the Saline Springs have been used historically by the Timbisha. The only reference that takes this out of the rumor category is apparently unavailable to me. I have asked for it and have been told that the document contains sensitive tribal information and cannot be shared outside the tribe. There is no dispute that this may indeed be true, but it has the effect of putting the statement about historic use back to unverified rumor status.

If partial control of the Saline Springs by the Timbisha is based on historic use, then again, intelligent comment on the proposal cannot be expected from readers ignorant of the subject matter. You should remove from consideration all Timbisha control of the Saline Springs until the public has been presented with all supporting information. This can be done by releasing the reference document with the sensitive information edited from it. This presumes that the edited information is not the information that is supportive of the claim of historic use.



8) Comments

Many of us commented on last year's document (The *Timbisha Shoshone Tribal Homeland*). These comments were summarized in the sparsely distributed *Scoping Summary Document* dated September 1999. The summary SC-07 lists many of the comments and points made, and states the Scoping Document was prepared to capture substantive issues for further consideration.

I follow a few other public proposals such as these, and am used to seeing a more detailed comment summary. In these, letters are identified, the letter's comments are identified, and comment responses are listed. Interested parties can then judge for themselves that comments were heard. This cannot happen with your form of scooping document. In addition, at the Lone Pine meeting you stated that irrelevant comments were discarded. Of course, irrelevant is judgmental, and I would be interested to see what the Park Service considers irrelevant.

Analysis of comments on the DLEIS should be comprehensive and specific. This may sound like a lot of work, but it's necessary, else why bother with public comment? It is also necessary to provide wide distribution of the summary in order to gain community confidence that comments are heard.

If you would like a sample of the kind of response to comments I refer to above, I can provide it.

Sincerely,



Tom Budlong

Voice: 310-476-1731

Fax: 310-471-7531

email: budlong@who.net



# NOYO RIVER INDIAN COMMUNITY

August 8, 1999

Death Valley National Park  
Attn: Superintendent's Office  
P.O. Box 570  
Death Valley, CA.

Dear Superintendent,

We support the recommendations for a permanent homeland for the Timbisha Shoshone Tribe as directed by the passage of the California Desert Protection Act of 1994 to the Secretary of Interior. The Timbisha Tribe has been federally recognized since 1983 but was not granted a land base at the time of Federal Recognition. Since 1998 the Federal Government and the Timbisha Tribe have worked together to identify land that would be suitable for a reservation both in and outside the boundaries of the Death Valley National Park.

A Draft Secretarial Report has now been developed by both entities that are proposing that 7,500 acres of land be transferred into trust for the Tribe. Specifically, the proposal calls for 314 acres at Furnace Creek which is within the Death Valley National Park and currently is where the Tribe lives and operates its tribal government. The Report also calls for 7,200 acres of Bureau of Land Management lands situated in California and Nevada be transferred to the Tribe with a Trust status. The Draft also recommends the authorization to purchase two parcels of approximately 120 acres of former Indian allotted lands in Saline Valley, California and 2,340 acres of private land near Lida, Nevada if the land owners of such parcels are willing sellers.

We encourage your office to support the Draft Report's recommendations and take whatever legislative action that is necessary to wrong the grave injustice suffered by the Timbisha Shoshone Tribe. A permanent land base for the Timbisha is long over due and now you are being given the unique opportunity to make the Tribe's future a reality. Allowing the tribe to have access for traditional use of the adjacent 1,000 acres of mequite is equally important as returning land to Indian people.

I thank you for your time and consideration for the help you can give the Timbisha Shoshone Tribe in their long struggle to establish a homeland.

Sincerely,

*Harriet L. Rhoades*

Harriet L. Rhoades, Spokesperson  
Noyo River Indian Community  
P.O. Box 91  
Fort Bragg, Ca. 95437

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Dear Dick Martin

My and my family & friends have been going to Saline Valley Hot springs for many years

We the users have taken care and managed it very well without any expense to the federal or local government

Why are you changing things, In the twenty years I've been going there I've never seen a Timbisha Indian there.

SV-01

Why give over the management to a group who doesn't care & is not interested in these hot springs?

SV-02

Let the people that love it take care of it.

Barbara Donna Hamilton

11260 McKellar Dr., Sonoma, CA. 95370  
(OVER)

CC. SENATOR BOXER  
SENATOR FEINSTEIN  
REPRESENTATIVE DOOLITTLE



10/29/00

Carth Hamilton

SENATOR BOXER 11260. McKellar Dr.  
SENATOR FEINSTEIN SERRA, CA. -95370-  
Representative DOOLITTLE

Dear

The enclosed letter contains my comments on the Legislative Environmental Impact Statement (LEIS) on Bill 52102 which enacts the recommendations of the Timbisha Tribal Homeland report. As required by the public comment process.

The letter is addressed to Dick Martin, Superintendent of Death Valley Natl. Park. The last time that I wrote Mr. Martin with my comments on the Timbisha Report they were largely ignored.

The (LEIS) is inherently flawed

Please consider amending the Timbisha Homeland legislation to correct these problems.

Carth & Donna Hamilton  
SERRA, CA.



Subject Senate bill #S.2102 Timbisha Shoshone Tribal Homeland Report.

I hate this kind of take over, give me, and give me attitude that any group of people does. They haven't done a thing in 3000 years plus to help advance any thing of importance. Now that the Saline Valley has been built up by myself and others like me over the last 50 years and they see it as another easy way to get a buck or two with out ever lifting a finger to have helped in the improvements and establishment of the springs.

We have also buried friends out there. Forget the sacredness nonsense. That is just superstition bunk, as any educated Homo Saipan knows but a great excuse to get a foot in the door for a free ride.

I have Mohegan blood in my line but have worked a steady job from delivering newspapers at the age of 12. I didn't ask or get any free rides all my life. No one gave me anything but a great bring up by lovable parents that gave me some class. I even bought my first bicycle to deliver papers.

The BLM and the Park Service have been in the Valley the last few years and after 50 some years that we have been running the place and improving the place with out any intervention. They up and decide that we can't manage it by our selves and keeping with their normal practice have so far screwed every thing they have touched in Saline Valley. With all the commotion from the government the self appointed Indian tribe see this as a great place to set up a taco stand or sell beads. SV-01

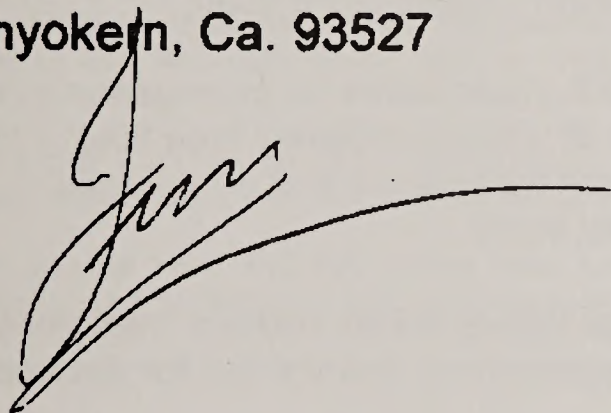
When are we going to stop paying recompense to every race in America that feels they have been slighted? As I said



before. I have Mohegan blood along with German, Scotch and Irish. I can find some place in that Heinz verity something that if I looked long enough. I might get a dime from the UIS Government but that is "hog wash".

Give these Timbisha folks a job in the post office instead and watch them run for the hills. Of course they would. They want something free; so let them buy land where they can sing and dance like I did and my fore fathers.

Jim Leonard  
PO Box 1526  
Inyokern, Ca. 93527



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**Bruce A. Hamilton**  
2116 Bataan Rd. #C  
Redondo Beach, CA 90278-1436  
e-mail: bhami@pobox.com

LEIS-066

(h) 310-793-6358

2 July 2000

**Dick Martin, Superintendent,  
Death Valley National Park  
PO. Box 579  
Death Valley, CA 92328**

**JUL - 6 2000**

**Dear Superintendent Martin:**

**This is to comment on your "Draft Legislative Environmental Impact Statement: Timbisha Shoshone Homeland", dated April 2000.**

**The report, as summarized in its Table S.1, proposes an outrageous giveaway of our precious public lands to a handful (fewer than 300) Indians, who would be permitted to build residences and commercial establishments in Death Valley National Park!**

DV-01

**This giveaway would remove the Saline Valley Warm Springs from public use, which have been enjoyed and cooperatively maintained for decades by many hundreds of people.**

SV-02

**I oppose the S.2102 enabling legislation and support Alternative 2, "no action".**

**Sincerely yours,**

*Bruce A. Hamilton*

**Bruce A. Hamilton**

**Cc: Senator Dianne Feinstein,  
Senator Barbara Boxer,  
Congressman Steven Kuykendall**



Author: Sierra Wilderness <mttech@gte.net> at np--internet

Date: 07/06/2000 9:42 PM

Normal

TO: DEVA Superintendent at NP-DEVA

Subject: Senate Bill S.2012

LEIS-067

----- Message Contents

Dick Martin, Superitenndent,  
Death Valley National Park  
PO. Box 579

Death Valley, CA 92328

July 6. 2000

Dear Mr. Martin, I am writing this letter in opposition of Senate Bill S.2012. In large part due to the deficiencies in the LEIS.

The LEIS is geographically inaccurate. Geographic areas are inaccurately or vaguely described, or their location is not identified at all, as in the case of the "Indian Rancheria." The Tribe proposes to purchase two privately owned parcels in Saline Valley designated as the "Indian Rancheria." The LEIS states that the Timbishas' long-standing (but undocumented) occupation of the "Rancheria" is "proof" of the Tribe's interest in the Springs, which are in fact almost ten miles away, as the crow flies. The owners of the parcels in question were not contacted during the writing of the LEIS. The owner of one of the parcels, Marilyn Moyer, is NOT willing to sell her parcel, and we have reason to believe the other owners are not willing to sell either.

The LEIS claims that 750,000 acres were originally considered for designation as the Natural and Cultural Preservation Area, but a more accurate estimate, verified by the local BLM office, is closer to 1. million acres.

The LEIS Contains Conflicting Statements. For example:

\* p. 14 INDIAN RANCHERIA [Saline Valley, near Hunter Canyon]:

"The level of use is envisioned to be residential at approximately same level that has existed in the past. In addition there may be a small joint NPS/Tribal office for visitor information and resource management for the Saline Valley portion of the Park."

p. 93 INDIAN RANCHERIA:

" Limited economic activities are anticipated at the Rancheria parcels."

p. 95 INDIAN RANCHERIA:

"Specific land uses are not identified for the Indian Rancheria parcels."

p. 97 INDIAN RANCHERIA:

"No specific development is anticipated at the Indian Rancheria

\* Historical Claims Are Poorly Documented. The Timbisha claim that they have a history of using the Springs for healing and ceremonial purposes. The main document they cite, by anthropologist/contractor Catherine Fowler, is not available for examination by the public. Available



historical sources do not document this claim by the Timbisha.

HU-08

p. 16 SALINE VALLEY SPRINGS

"The Tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated with the springs.

"The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the Tribe to the area. The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs."

\* Flawed or Nonexistent Science. No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. Descriptions of plant communities at the Rancheria and the Springs are inaccurate and/or incomplete, and are treated as if the areas are identical. Anyone who is familiar with the Springs knows this to be entirely inaccurate. (See p. 67

E1D-09

INDIAN RANCHERIA.)

\* Absence of Water Studies. Another troubling example of inadequate science is the absence of water studies on Centennial Flat, where pumping of groundwater may have an impact on the spring in the Cosos that supplies the town of Darwin via a 7-mile pipeline. This concern is dismissed in the LEIS with the following deceptive paragraph:

-W2-10

C-11

p. 89 CENTENNIAL:

"Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary). p. 89 CENTENNIAL

"Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary). Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat. Geologic and hydrologic data do not support this assertion, but adverse effects on groundwater availability at Darwin cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality. Small-scale withdrawals associated with limited residential uses would not be expected to adversely affect supplies at Darwin."

The problem with this paragraph is that there are no wells in Darwin, nor any groundwater! The "exploratory well" on Centennial Flat has not been pumped and it is unknown whether it will supply any water, or what impact withdrawals of water will have on wildlife, plants, the town of Darwin and other holders of water rights. Although Centennial Flat is not part of Saline Valley, the dishonest discussion of this parcel in the LEIS is strong evidence that the document is defective.

W1-12

W2  
E2-13

Please consider my comments along with the enclosed request for a 60 day

E2-14



extension of the comment period.

Respectfully,

Janice Houghton  
P.O. Box 793  
111 West St.  
Big Pine, CA 93513  
760 938-2497

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LEIS-068

0010

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

July 6, 2000

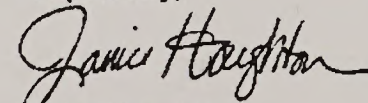
I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01 E1D-02

To illustrate my concern, according to Mr. Essington, your Mining Engineer, the Amfac water rights at Furnace Creek are incorrectly described on page 38 of the LEIS. He said that the figure of 2,064 cubic feet per second was a "typo," and the correct number should be 2.064 cubic feet. Mr. Essington also confirmed that the last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-03

These two very serious errors in the LEIS reinforce my previous perception that it is a severely defective document.

I hereby request that a further 60 day extension of the comment period be granted. Perhaps the responsible agencies can be a bit more proactive in notifying the public of other "typos" that are seriously misrepresenting the facts. E2-04

Respectfully,



Janice Houghton  
P.O. Box 793  
Big Pine, Ca 93513  
760 938-2497



Dick Martin, Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

July 6, 2000

Dear Mr. Martin, I am writing this letter in opposition of Senate Bill S.2012. In large part due to the deficiencies in the LEIS. E1D-05

The LEIS is geographically inaccurate. Geographic areas are inaccurately or vaguely described, or their location is not identified at all, as in the case of the "Indian Rancheria." The Tribe proposes to purchase two privately owned parcels in Saline Valley designated as the "Indian Rancheria." The LEIS states that the Timbishas' long-standing (but undocumented) occupation of the "Rancheria" is "proof" of the Tribe's interest in the Springs, which are in fact almost ten miles away, as the crow flies. The owners of the parcels in question were not contacted during the writing of the LEIS. The owner of one of the parcels, Marifyn Moyer, is NOT willing to sell her parcel, and we have reason to believe the other owners are not willing to sell either. E1G-06 IR-07

The LEIS claims that 750,000 acres were originally considered for designation as the Natural and Cultural Preservation Area, but a more accurate estimate, verified by the local BLM office, is closer to 1.5 million acres. E1G-08

The LEIS Contains Conflicting Statements. For example: IR-9

\* p. 14 INDIAN RANCHERIA [Saline Valley, near Hunter Canyon]:

"The level of use is envisioned to be residential at approximately the same level that has existed in the past. In addition there may be a small joint NPS/Tribal office for visitor information and resource management for the Saline Valley portion of the Park."

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p. 16 SALINE VALLEY SPRINGS

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\* Flawed or Nonexistent Science. No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. Descriptions of plant communities at the Rancheria and the Springs are inaccurate and/or incomplete, and are treated as if the areas are identical. Anyone who is familiar with the Springs knows this to be entirely inaccurate. (See p. 67 INDIAN RANCHERIA.) E1D-11



Absence of Water Studies. Another troubling example of inadequate science is the absence of water studies on Centennial Flat, where pumping of groundwater may have an impact on the spring in the Cosos that supplies the town of Darwin via a 7-mile pipeline. This concern is dismissed in the LEIS with the following deceptive paragraph:

W2-12

p. 89 CENTENNIAL:

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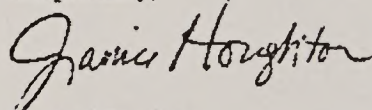
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The problem with this paragraph is that there are no wells in Darwin, nor any groundwater! The "exploratory well" on Centennial Flat has not been pumped and it is unknown whether it will supply any water, or what impact withdrawals of water will have on wildlife, plants, the town of Darwin and other holders of water rights. Although Centennial Flat is not part of Saline Valley, the dishonest discussion of this parcel in the LEIS is strong evidence that the document is defective.

W1-13

Please consider my comments along with the enclosed request for a 60 day extension of the comment period.

Respectfully,



Janice Houghton  
P.O. Box 793  
111 West St.  
Big Pine, CA 93513  
760 938-2497



# LEIS-069

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July 1, 2000  
19691 Combs-Bell Rd.  
Elkins, AR 72727

10

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01 E1D-02

To illustrate my concern, according to Mr. Essington, your Mining Engineer, the Amfac water rights at Furnace Creek are incorrectly described on page 38 of the LEIS. He said that the figure of 2,064 cubic feet per second was a typo, and the correct number should be 2.064 cubic feet. Mr. Essington also confirmed that the last part of E1G-03

Appendix E, Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone, is missing from Volume 2 of the LEIS.

These two very serious errors in the LEIS reinforce my previous perception that it is a severely defective document.

Additionally, the LEIS is geographically inaccurate. Geographic areas are inaccurately or vaguely described, or their location is not identified at all, as in the case of the Indian Rancheria. The Tribe proposes to purchase two privately owned parcels in Saline Valley designated as the Indian Rancheria. The LEIS states that the Timbishas' long-standing (but undocumented) occupation of the Rancheria is proof of the Tribe's interest in the Springs, which are in fact almost ten miles away, as the crow flies. The owners of the parcels in question were not contacted during the writing of the LEIS. The owner of one of the parcels, Marilyn Moyer, is NOT willing to sell her parcel, and we have reason to believe the other owners are not willing to sell either. E1G-04 IR-05

The LEIS claims that 750,000 acres were originally considered for designation as the Natural and Cultural Preservation Area, but a more accurate estimate, verified by the local BLM office, is closer to 1.5 million acres. E1G-06

Also historical claims are poorly documented. The Timbisha claim that they have a history of using the Springs for healing and ceremonial purposes. The main document they cite, by anthropologist/contractor Catherine Fowler, is not available for examination by the public. Available historical sources do not document this claim by the Timbisha. HU-07

The LEIS also employs flawed or nonexistent science. No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. Descriptions of plant communities at the Rancheria and the Springs are inaccurate and/or incomplete, and are treated as if the areas are identical. Anyone who is familiar with the Springs knows this to be entirely inaccurate. E1D-08



Another troubling example of inadequate science is the absence of water studies on Centennial Flat, where pumping of groundwater may have an impact on the spring in the Cosos that supplies the town of Darwin via a 7-mile pipeline. This concern is dismissed in the LEIS with the following deceptive paragraph:

W2-09

p. 89 CENTENNIAL:

Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel. Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat. Geologic and hydrologic data do not support this assertion, but adverse effects on groundwater availability at Darwin cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality. Small-scale withdrawals associated with limited residential uses would not be expected to adversely affect supplies at Darwin.

The problem with this paragraph is that there are no wells in Darwin, nor any groundwater! The exploratory well on Centennial Flat has not been pumped and it is unknown whether it will supply any water, or what impact withdrawals of water will have on wildlife, plants, the town of Darwin and other holders of water rights. Although Centennial Flat is not part of Saline Valley, the dishonest discussion of this parcel in the LEIS is strong evidence that the document is defective.

I have just learned that the NPS has sent out a notice that a 10 day "extension" has been granted in the comment period on the Timbisha LEIS, to Aug. 1, 2000. This is an obvious attempt to defuse any requests for a MEANINGFUL extension that would allow adequate time to prepare comments on the LEIS. A 10 day extension does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

E2-10

P2-11

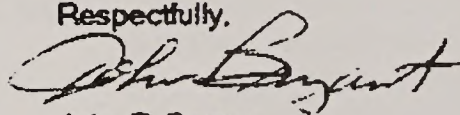
Additionally, the General Management Plan (GMP) for the Park has not yet been issued.

Further the Inyo County Board of Supervisors has asked for a 30 day extension. The board represents a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

E2-12

I hereby request that a further 60 day extension of the comment period be granted. Perhaps the responsible agencies can be a bit more proactive in notifying the public of other typos that are seriously misrepresenting the facts.

Respectfully,

  
John P. Bryant

cc: U.S. Senator Blanche Lincoln, D-AR  
U.S. Senator Tim Hutchinson, R-AR

10 10 2000



LEIS-070

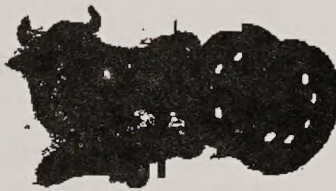
1714 Cleveland Rd  
Glendale, CA 91202  
July 5, 2000

10 2000

Dear Superintendent Martin -

We are distressed about The Timbisha LEIS  
We feel it skirts the letter of the law & does  
not adequately address the concerns  
related to The Saline Hot Springs.  
It has inaccuracies, has conflicting  
statements, overlooks the ecology and  
frankly, appears to rely on fictions in  
an effort to discontinue the current use  
of The Saline Springs.

FERDINAND THE  
PULL PULL TOY (1940)



E1B-01

We want a full EIS. Follow the process  
as the law spells out. Preserve & protect  
current use of the springs... it can be  
shared (joint-use).

P1-02

SV-03

Thank you.

Maggie Parkhurst & family

cc Senators Feinstein, Boxer & Rep. Berman

**Disneyland Hotel**

Anaheim, California



Stephen E. Suter  
209 W. Kathleen Road  
Phoenix, AZ 85023  
July 5, 2000

Superintendent Dick Martin  
Death Valley National Park  
P. O. Box 579  
Death Valley, CA 92328

Dear Superintendent Martin:

This letter sets forth my comments on the Legislative Environmental Impact Statement (LEIS) on the Timbisha Shoshone Tribal Homeland Report.

1. As an initial matter, I am requesting an extension of the comment period beyond E2-01 the current deadline. While I believe the National Park Service recently granted a ten-day "extension," this is not a meaningful extension which will allow adequate time for the public to research the many inconsistencies and erroneous statements in the LEIS. Furthermore, the LEIS cannot be fully evaluated until the revised P2-02 General Management Plan (GMP) for Death Valley National Park is available later this summer.

I understand the Inyo County Board of Supervisors has asked for a 30-day E2-03 extension. Since they represent a county which will be heavily impacted by the Timbisha Bill, their request should be honored.

Therefore, I am requesting that the NPS grant at least a 30-day extension to the original July 22, 2000, deadline.

2. After reviewing the LEIS, I believe it contains statements which are geographically E1D-04 inaccurate. For example, the LEIS claims that 750,000 acres were originally considered for designation as the Natural and Cultural Preservation Area. However, a more accurate estimate, verified by the local Bureau of Land Management (BLM) office, is closer to 1.5 million acres.
3. The LEIS contains conflicting statements. For example, the level of use IR-05 envisioned for the Indian Rancheria is variously stated as "residential at approximately the same level that has existed in the past...there may be a small joint NPS/Tribal office for visitor information" or "limited economic activities are anticipated" or "specific land uses are not identified for the Indian Rancheria parcels" or "no specific development is anticipated at the Indian Rancheria."



4. The historical claims are poorly documented, especially with respect to the Timbisha's claim of use of the springs for healing and ceremonial purposes. HU-06
5. Public comments on the LEIS have been largely ignored. SC-07
6. **Why wasn't my letter or other letters that I know were submitted commenting on the proposal included in the documentation for the LEIS?** SC-08

Sincerely,

*Stephen E. Suter*

Stephen E. Suter

cc: Senator Jon Kyl  
Senator John McCain  
Representative John Shadegg

Saline Valley Preservation Assn.  
P. O. Box 1603  
Inyokern, CA 93527



Suki Glenn  
Post Office Box 2737  
Fallbrook, CA 92088

LEIS-072

Dick Martin, Superintendent  
Death Valley National Park  
PO. Box 579  
Death Valley, CA 92328

July 5, 2000

Dear Superintendent Martin:

- 1) Please extend the comment period beyond the current deadline of July 22, 2000. E2-01  
It will take time to compare the many false, conflicting, and ambiguous statements in the LEIS Vol. 1 with documentation in Vol. 2, and to check the claims against independent sources. Also, the public was not notified in a timely and consistent P4-02 manner. The LEIS was not posted on line in a timely manner. E1D-03
- 2) The LEIS is geographically inaccurate. Geographic areas are inaccurately or vaguely described, or their location is not identified at all, as in the case of the "Indian Rancheria." The Tribe proposes to purchase two privately owned parcels in Saline Valley designated as the "Indian Rancheria." The LEIS states that the Timbishas' long-standing (but undocumented) occupation of the "Rancheria" is "proof" of the Tribe's interest in the Springs, which are in fact almost ten miles away, as the crow flies. The owners of the parcels in question were not contacted during the writing of the LEIS. The owner of one of the parcels, Marilyn Moyer, is NOT willing to sell her parcel. The LEIS claims that 750,000 acres were originally considered for designation as the IR-04 Natural and Cultural Preservation Area, but a more accurate estimate, verified by the local BLM office, is closer to 1.5 million acres. E1D-05
- 3) The LEIS Contains Conflicting Statements. For example: p. 14 INDIAN RANCHERIA [Saline Valley, near Hunter Canyon]: "The level of use is envisioned to be residential at approximately the same level that has existed in the past. In addition there may be a small joint NPS/Tribal office for visitor information and resource management for the Saline Valley portion of the Park." IR-06
- 4) Historical Claims Are Poorly Documented. The Timbisha claim that they have a history of using the Springs for healing and ceremonial purposes. The main document they cite, by anthropologist/contractor Catherine Fowler, is not available for examination by the public. Available historical sources do not document this claim by the Timbisha. HU-07
- 5) Flawed or Nonexistent Science. No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. Descriptions of plant communities at the Rancheria and the Springs are inaccurate and/or incomplete, and are treated as if the areas are identical. Anyone who is familiar with the Springs knows this to be entirely inaccurate. (See p. 67 INDIAN RANCHERIA.) E1D-08



6. Absence of Water Studies. Another troubling example of inadequate science is the absence of water studies on Centennial Flat, where pumping of groundwater may have an impact on the spring in the Cosos that supplies the town of Darwin via a 7-mile pipeline. This concern is dismissed in the LEIS with the following deceptive paragraph:

p. 89 CENTENNIAL:

"Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary).

p. 89 CENTENNIAL "Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary). Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat.

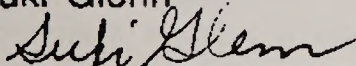
Geologic and hydrologic data do not support this assertion, but adverse effects on groundwater availability at Darwin cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality. Small-scale withdrawals associated with limited residential uses would not be expected to adversely affect supplies at Darwin." W1-10

The problem with this paragraph is that there are no wells in Darwin, nor any groundwater! The "exploratory well" on Centennial Flat has not been pumped and it is unknown whether it will supply any water, or what impact withdrawals of water will have on wildlife, plants, the town of Darwin and other holders of water rights. Although Centennial Flat is not part of Saline Valley, the dishonest discussion of this parcel in the LEIS is strong evidence that the document is defective. SV-11

The LEIS is inherently flawed, as my comments in the enclosed letter indicate. Please consider amending the Timbisha Homeland legislation to correct these problems. E1D-12

Sincerely,

Suki Glenn



cc Senator Barbara Boxer

Saline Preservation Association

Senator Dianne Feinstein

Representative Ron Packard



Author: QueenB95@aol.com at np--internet  
 Date: 07/05/2000 6:41 PM  
 Normal  
 TO: DEVA Superintendent at NP-DEVA  
 Subject: Request for Additional Extension, Timbisha LEIS  
 ----- Message Contents

Dick Martin  
 Superintendent  
 Death Valley National Park  
 PO Box 579  
 Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. E1D-01

To illustrate my concern, according to Mr. Essington, your Mining Engineer, the Amfac water rights at Furnace Creek are incorrectly described on page 38 of the LEIS. He said that the figure of 2,064 cubic feet per second was a "typo," and the correct number should be 2.064 cubic feet. Mr. Essington also confirmed that the last part of E1G-02

Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-03

These two very serious errors in the LEIS reinforce my previous perception that it is a severely defective document.

I hereby request that a further 60 day extension of the comment period be granted. Perhaps the responsible agencies can be a bit more proactive in notifying the public of other "typos" that are seriously misrepresenting the facts. E2-04

Respectfully,

Suki Glenn  
 P.O. Box 2737  
 Fallbrook, CA 92088



## LEIS-073

Author: "Mike Urbanek" <murbanek@ix.netcom.com> at np--internet

Date: 07/07/2000 10:13 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: <cong.baca@mail.house.gov> at NP--INTERNET,  
<senator@feinstein.senate.gov> at NP--INTERNET,  
<senator@boxer.senate.gov> at NP--INTERNET,  
<senator@inouye.senate.gov> at NP--INTERNET

Subject: Timbisha Homeland legislation

----- Message Contents

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland  
legislation. This proposal has broad implications and sets precedents which  
could be far reaching, and is based largely upon a faulty substitution for a  
proper Environmental Impact Statement. I understand that the LEIS upon which  
this legislation relies was prepared in only five months, and contains numerous  
errors, as well as insufficient documentation. P1-01 E1D-02

The need for a complete review and probably a new LEIS is obvious. P1-03

The last part of Appendix E, "Overview of water rights, Death Valley National  
Park and proposed reservation sites for the Timbisha Shoshone," is missing from  
Volume 2 of the LEIS. E1G-04

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was  
not available to the public through the internet until some time after that  
date. P4-05

The General Management Plan (GMP) for the Park has not yet been issued. Without  
this, the public is not able to adequately comment on this proposal. P2-06

The Inyo County Board of Supervisors was not made aware of the problems with the  
LEIS and the Timbisha Bill until Tuesday, 6/20. E2-07

The Inyo County Board of Supervisors has asked for a 30 day extension. They  
represent a county that stands to be heavily impacted by the Timbisha Bill, and  
their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address  
the public's need for adequate time to research the many inconsistencies and  
erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through  
Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted

Respectfully,

Mike Urbanek  
16372 Manzanita Ave.,  
Fontana CA 92335



LEIS-074

Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
Date: 07/09/2000 6:07 PM  
Normal  
TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell (R-CO)" <administrator@campbell.senate.gov> at NP--INTER  
NET

CC: "Sen. Byron Dorgan (D-ND)" <senator@dorgan.senate.gov> at NP--INTERNET,  
"Sen. Craig Thomas (R-WY)" <craig@thomas.senate.gov> at NP--INTERNET,  
"Sen. Daniel Akaka (D-HI)" <senator@akaka.senate.gov> at NP--INTERNET,  
"Sen. Daniel Inouye (D-HI)" <senator@inouye.senate.gov> at NP--INTERNET,  
"Sen. Frank Murkowski (R-AK)" <webmail@murkowski.senate.gov> at NP--INTERNET,  
"Sen. Harry Reid (D-NV)" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
"Sen. James Inhofe (R-OK)" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
"Sen. John McCain (R-AZ)" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
"Sen. Kent Conrad (D-ND)" <senator@conrad.senate.gov> at NP--INTERNET,  
"Sen. Orrin Hatch (R-UT)" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
"Sen. Paul David Wellstone (D-MN)" <senator\_wellstone@exchange.senate.gov> at NP--INTERNE

RNET

CC: "Sen. Pete Domenici (R-NM)" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
"Sen. Slade Gorton (R-WA)" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
"Sen. Barbara Boxer (D-CA)" <senator@boxer.senate.gov> at NP--INTERNET,  
"Sen. Dianne Feinstein (D-CA)" <senator@feinstein.senate.gov> at NP--INTERNET,  
samfarr@mail.house.gov at NP--INTERNET

Subject: [Fwd: Letter to Government]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter  
addressing concerns with  
Senate Bill S2102, which proposes the establishment of a Timbisha  
Shoshone Homeland within  
public lands administered by the National Park Service and the Bureau of  
Land Management. We  
forward this letter on behalf of its author, who is a member of the  
Saline Preservation Association.

This letter is being forwarded to:  
Superintendent Dick Martin, of Death Valley National Park  
Senators Feinstein and Boxer of California  
The letter author's Congressional Representative and Senators  
Members of the Senate Indian Affairs Committee  
Members of the House Resources Committee (National Parks subcommittee)

--

Saline Preservation Association  
Box 1603  
Inyokern, California 93527

----- Original Message -----

Subject: Letter to Government  
Date: 18 May 00 07:30:16 PDT  
From: Gary Haraldsen <garyharaldsen@netscape.net>  
To: spa@majorproduction.net

Gary Haraldsen Attorney at Law  
311 Bonita Drive



PO Box 972  
Aptos, CA 95001-0972 Tele 831/662-8111 Fax  
831/768-0461

May 18, 2000

President William Clinton  
Senator Barbara Boxer  
Senator Diane Feinstein  
Representative Sam Farr

RE: Saline Valley Warm Springs, California

Dear President Clinton, Senators Boxer and Feinstein and Representative  
Farr

I have been going to Saline Warm Springs since 1984. I am alarmed to  
hear that  
the National Park Service and or Timbisha tribe may change the character  
of  
the Springs. The people that love, have developed and maintained the  
Springs  
for the last 50 years or more are the ones that should be in charge of  
operating and governing the Springs. They have done a good job of it and  
kept  
it relatively ecologically sound. What use has the NPS or the Timbisha  
tribe  
made of the Springs during that period of time.

SV-01

Had it not been for the volunteers who have devoted many years and their  
money  
to improve and maintain the Springs, there would just be mud holes in  
the  
desert. The use of mud holes would certainly be minimal. It seems  
apparent  
that the highest and best use has been attained due to the efforts of  
those  
that love the Springs. If the Springs were strictly regulated or taken  
back to  
the way they were a century ago, public usage would be minimal.

If the Indian tribe is so interested in the Springs, where have they  
been over  
the last many decades. Their lack of action in the past seems to belie  
their  
stated interests. If the Indians were allowed to control and or manage M1-02  
the  
Springs, use would not doubt drop off dramatically due to the changes  
they  
want to implement. Is this a control issue for the Indians or do they  
have a  
true intrinsic interest. If their interest is intrinsic, again, where  
have  
they been for the last 50 years.

E1B-03

A related issue is accessibility to the Valley. This is a prime concern  
for

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



many of us that live in the Bay area. It takes approximately ten hours to drive to the Valley. However, it takes only 1.5 hours by plane. If the NPS closes both runways it will deprive many people of access to the Valley either entirely or on a frequent basis. Is the Park regulating people out of use of the Valley.

The US Forest Service allows numerous back country grass and dirt air strips in the Frank Church Wilderness in Idaho. These strips provide access to areas that are otherwise only available to those individuals with unlimited free time. But because of the accessibility provided by the runways in the Wilderness, these areas are utilized by many people from all over the country. The State of Idaho and US Forest Service are able to cope with the airstrips. And the local economy benefits from the influx of tourism.

The same is true for Saline Warm Springs. Removal of the runways will either eliminate or certainly curtail use by people who are busy earning a living or otherwise unable to drive 10 hours to get to Saline Warm Springs.

If you have any questions, please call at your first opportunity. Thank you for your courtesy and cooperation in this matter.

Very truly yours

Gary Haraldsen

c: Saline Preservation Association

---

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## LEIS-075

Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/09/2000 7:07 PM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell (R-CO)" <administrator@campbell.senate.gov> at NP--INTERNET

CC: "Sen. Byron Dorgan (D-ND)" <senator@dorgan.senate.gov> at NP--INTERNET,  
"Sen. Craig Thomas (R-WY)" <craig@thomas.senate.gov> at NP--INTERNET,  
"Sen. Daniel Akaka (D-HI)" <senator@akaka.senate.gov> at NP--INTERNET,  
"Sen. Daniel Inouye (D-HI)" <senator@inouye.senate.gov> at NP--INTERNET,  
"Sen. Frank Murkowski (R-AK)" <webmaill@murkowski.senate.gov> at NP--INTERNET,  
"Sen. Harry Reid (D-NV)" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
"Sen. James Inhofe (R-OK)" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
"Sen. John McCain (R-AZ)" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
"Sen. Kent Conrad (D-ND)" <senator@conrad.senate.gov> at NP--INTERNET,  
"Sen. Orrin Hatch (R-UT)" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
"Sen. Paul David Wellstone (D-MN)" <senator\_wellstone@exchange.senate.gov> at NP--INTERNE

RNET

CC: "Sen. Pete Domenici (R-NM)" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
"Sen. Slade Gorton (R-WA)" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
"Sen. Barbara Boxer (D-CA)" <senator@boxer.senate.gov> at NP--INTERNET,  
"Sen. Dianne Feinstein (D-CA)" <senator@feinstein.senate.gov> at NP--INTERNET,  
asa.hutchinson@mail.house.gov at NP--INTERNET,  
senator.hutchinson@hutchinson.senate.gov at NP--INTERNET,  
blanche\_lincoln@senate.gov at NP--INTERNET

Subject: [Fwd: Congressional Letter]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
Superintendent Dick Martin, of Death Valley National Park  
Senators Feinstein and Boxer of California  
The letter author's Congressional Representative and Senators  
Members of the Senate Indian Affairs Committee  
Members of the House Resources Committee (National Parks subcommittee)

--

Saline Preservation Association  
Box 1603  
Inyokern, California 93527

----- Original Message -----

Subject: Congressional Letter

Date: Thu, 18 May 2000 19:21:45 -0500

From: John <jpbryant@freewwwweb.com>

To: spa@majorproduction.net



Dear Congressman:

I am writing to express my displeasure and disapproval of the National Park Services Draft report outlining proposed use for newly incorporated lands into Death Valley National Park under the Desert Protection Act. Specifically, I object to NPS's proposal for a cooperative demonstration project for management of the Warm Springs area of the Saline Valley with the Timbisha Shoshone Indian tribe. E1D-01 SV-02

The modern traditional use of the area has not been by the Shoshone who have only recently expressed interest in the area, but rather by a sizable group of individuals and families from not only California, but from across the nation as well as international visitors. All improvements at the Warm Springs have been made by this community of users as willing volunteers hoping to preserve both the spirit and nature as this unique desert oasis. This stewardship has functioned smoothly for decades under the auspices of the previous government overseers, the U.S. Bureau of Land Management. For NPS to now abandon this traditional use is a flagrant violation of a key provision of the Desert Protection Act.

I urge you and your colleagues to reject this portion of the NPS plan and allow continued use of this national treasure in the manner now well established by those of us who respect it most. Thank you for your consideration.

Respectfully,

John P. & Annetta Bryant  
19691 Combs-Bell Rd.  
Elkins, AR 72727



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/09/2000 12:22 PM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: mail.gibbons@mail.house.gov at NP--INTERNET,

"Cotton; Jeff" <bicedstv@nvhbell.net> at NP--INTERNET,

senator\_reid@reid.senate.gov at NP--INTERNET, senator@bryan.senate.gov at NP--INTERNET,

"Sen. Ben Nighthorse Campbell (R-CO)" <administrator@campbell.senate.gov> at NP--INTERNET

NET

CC: "Sen. Byron Dorgan (D-ND)" <senator@dorgan.senate.gov> at NP--INTERNET,

"Sen. Craig Thomas (R-WY)" <craig@thomas.senate.gov> at NP--INTERNET,

"Sen. Daniel Akaka (D-HI)" <senator@akaka.senate.gov> at NP--INTERNET,

"Sen. Daniel Inouye (D-HI)" <senator@inouye.senate.gov> at NP--INTERNET,

"Sen. Frank Murkowski (R-AK)" <webmail@murkowski.senate.gov> at NP--INTERNET,

"Sen. Harry Reid (D-NV)" <senator\_reid@reid.senate.gov> at NP--INTERNET,

"Sen. James Inhofe (R-OK)" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,

"Sen. John McCain (R-AZ)" <john\_mccain@mccain.senate.gov> at NP--INTERNET,

"Sen. Kent Conrad (D-ND)" <senator@conrad.senate.gov> at NP--INTERNET,

"Sen. Orrin Hatch (R-UT)" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,

"Sen. Paul David Wellstone (D-MN)" <senator\_wellstone@exchange.senate.gov> at NP--INTERNE

RNET

CC: "Sen. Pete Domenici (R-NM)" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,

"Sen. Slade Gorton (R-WA)" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,

"Sen. Barbara Boxer (D-CA)" <senator@boxer.senate.gov> at NP--INTERNET,

"Sen. Dianne Feinstein (D-CA)" <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: New land use proposals for Saline Valley]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (National Parks subcommittee)

--

Saline Preservation Association

Box 1603

Inyokern, California 93527

----- Original Message -----

Subject: New land use proposals for Saline Valley

Date: Wed, 17 May 2000 03:14:04 -0700

From: Jeff Cotton <bicedstv@nvhbell.net>

To: spa@majorproduction.net

To all concerned;



Regarding all proposed land use changes for the Saline Valley.

The question of the logical, fair use of this area of 'public land' should be answered by how well the public has tendered the area. With NO commercialism and little government for 50 years, this area remains far more pristine, natural, and beautiful than it's popular eastern neighbor, Death Valley.

If Congress decides the Honorable Shoshone people need/deserve to control these lands, let Congress deed ownership back to the Shoshone, just as they would have to do if the Miwok people wanted to reclaim the nearby Yosemite Valley directly West. I was born and raised there...and pristine... Yosemite is not.

Jeff Cotton  
Reno, NV  
775-329-9325



## LEIS-077

Donna Bradley  
191 Smithridge Park  
Reno, NV 89502

June 26, 2000

Dear Mr. Martin,

I am writing to express my opposition to Senate Bill S.2012, which proposes giving the Timbisha-Shoshone tribe co-management control with the National Park Service of an estimated 1.5 million acres-nearly half of Death Valley National Park. I am also writing to request an extension of 30 DAYS beyond the current deadline of July 22, 2000. The Valley Warm Springs is one of the areas that is proposed under the pending legislation. I am a member of SPA or Saline Preservation Association and a Board member of the Lahontan Audubon Society. I enjoy the Saline Warm Springs for the recreation it provides and the oasis for birds, which allows me to enjoy excellent birding opportunities.

I have been following the progress of this proposal and am aware that due to the public input, the Timbisha Homeland Proposal was supposed to require a full Environmental Impact Statement. This did not happen because the sponsoring agencies found a way to bypass the public demand by calling for a Legislative Environmental Impact Statement (LEIS). A LEIS does not evaluate the implied development plans, but only the impact of transferring the lands from one government agency to another. The LEIS drafters did not do a thorough job in researching the issues. There are many discrepancies, contradictions, and false or undocumented assertions. site the following examples: the maps provided in the report are vague and do not present the reality of the territory proposed for co-management with the Timbisha tribe. Geographic areas are inaccurately or vaguely described, or their location is not identified at all, as in the case of "Indian Rancheria". The LEIS states that the Timbishas' long-standing occupation of the "Rancheria" is "proof" of the Tribe's interest in the Springs, but the "Rancheria" and the Springs are at least ten miles apart. The owners of parcels in question were not contacted during the writing of the LEIS. There were no on-the-ground inventories of plant and wildlife communities done as part of the LEIS. Descriptions of plant communities and statements that they are identical at the Rancheria and the Springs are inaccurate. The absence of water studies on Centennial Flat is dismissed by the LEIS. There are many other examples of how the LEIS is defective and deceptive. In other words, the National Park Service is pushing a bill that would be a public DISservice.

Sincerely:

Donna Bradley

Cc: Senators Reid and Bryan

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4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/10/2000 6:04 PM  
 Normal

TO: DEVA Superintendent at NP-DEVA,  
 "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmaill@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wallstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 doug.ose@mail.house.gov at NP--INTERNET  
 Subject: [Fwd: Re: Alert: Timbisha Homeland Proposal]  
 ----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (National Parks subcommittee)

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----  
 Subject: Re: Alert: Timbisha Homeland Proposal  
 Date: Sat, 20 May 2000 11:41:06 -0700  
 From: Rachael Long <rflong@ucdavis.edu>  
 To: Saline Preservation Association <spa@majorproduction.net>  
 References: <3920C0A1.671842E9@majorproduction.net>

Dear SPA, would you please forward this letter on the the appropriate people in regards to the future of warm springs. Thank you, Rachael Long



Dear everyone, I am very concerned about turning the management of the warm springs over to the Timbisha. I believe that the warm springs should always be accessible to anyone who wants to enjoy them. I worry that changing the management over to the Timbisha will restrict our use of the warm springs. The warm springs is very well cared for and appreciated by the people who currently watch over it. There's no reason to change the way it's currently managed. Both the Timbisha and others can enjoy it's joint use under the Death Valley National Park Umbrella.

SV-01

Sincerely,

Rachael Long, P.O. Box 173, Zamora, CA 95698

Rachael Long  
Farm Advisor, Pest Management  
University of California Cooperative Extension  
70 Cottonwood St.  
Woodland, CA 95695  
rflong@ucdavis.edu  
(530) 666-8734  
(530) 666-8736 (FAX)

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4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/10/2000 6:09 PM  
 Normal

TO: DEVA Superintendent at NP-DEVA,  
 "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET  
 Subject: [Fwd: FW: Draft Legislative Environmental Impact Statement f  
 ----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: FW: Draft Legislative Environmental Impact Statement for the  
 Timbisha Shoshone Homeland Proposal  
 Date: Thu, 18 May 2000 18:04:23 -0700  
 From: William Yeilding <WillYeil@scvwd.dst.ca.us>  
 To: "'spa@majorproduction.net'" <spa@majorproduction.net>

I've sent the below message only to my congressional representative.

-----  
 From: willyeil@scvwd.dst.ca.us <mailto:willyeil@scvwd.dst.ca.us>  
 [SMTP:willyeil@scvwd.dst.ca.us] <mailto:[SMTP:willyeil@scvwd.dst.ca.us]>  
 Sent: Thursday, May 18, 2000 5:53 PM  
 To: willyeil@scvwd.dst.ca.us <mailto:willyeil@scvwd.dst.ca.us>



Subject: Draft Legislative Environmental Impact Statement for the  
Timbisha  
Shoshone Homeland Proposal

FROM:  
NAME: William Yeilding  
ADDRESS: 498 Caprice Drive  
San Jose, CA 95123

This message was sent to:

Rep. Zoe Lofgren

\*\*\*\*\*

Copy of message text follows:

\*\*\*\*\*

Please allow me to express my concern about the subject proposal as it SV-01  
relates to Saline Valley in Death Valley National Park.

In particular, the Park Service proposal to give control of the Saline  
Valley Warm Springs area to a particular cultural group, the Timbisha  
Shoshone, seems to me to be at odds with the National Park Service  
mission

to preserve high-quality natural areas for the benefit of all Americans.  
For decades the Bureau of Land Management (BLM) considered appointed  
Saline

Valley Warm Springs campground hosts adequate to guide campers'  
activities

so as to insure common sanitation, safety, and environmental standards,  
without the need to elevate any particular cultural, ethnic, or  
religious

group to a position of virtual managership.

In contrast to the past, the Park Service, the new governing agency, is  
promoting the idea that a particular cultural group, the Timbisha, more  
keenly appreciate, and are more capable of caring for this area than  
others

outside this group.

I hope you will act to prevent the Park Service from handing over  
management

of the Warm Springs to the Timbisha, and thereby help assure that this  
area

continues to benefit all Americans equally.

Sincerely,

William R. Yeilding  
498 Caprice Drive  
San Jose, CA 95123

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3.0 PUBLIC COMMENT  
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4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/10/2000 6:16 PM  
 Normal

TO: DEVA Superintendent at NP-DEVA,  
 "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 petemail@stark.house.gov at NP--INTERNET  
 Subject: [Fwd: hello !!]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----  
 Subject: hello !!  
 Date: Thu, 18 May 2000 12:40:46 -0700  
 From: Lehel Garami <lehel@SLAC.Stanford.EDU>  
 To: spa@majorproduction.net

hi tom

here is my letter concerning saline valley. thank you for your efforts  
 tom



lehel

to the peoples "public officials"

-SV-01

i am wri'ng this letter to urge you to help keep a remote,  
beautiful,  
and natural unspoiled desert landscape an area for "all poeple" to  
enjoy.

death valley's saline valley is such a place.

special interest groups, and in paticular at the moment, the timbisha  
shoeshone homeland legislation have their own views and self interests  
in  
managing this area. for a single group or groups to be able to decide to  
implement there own values concerning pubic lands just seems just plain  
prejudiced.

everyone has a right to enjoy our unspoiled pubic lands equally,  
everyone !! i ask for no more, and no less !!

with our growing population and increasing land value and use, keeping  
our  
public lands free from special interest groups control and open for us  
all

to enjoy, will become increasingly difficult endeavor i realize.

i ask you the peoples representative, to help keep this area free  
!!!!!!!!!!!!!!

thank you for your time lehel garami

Lehel Garami  
4104 Colima Ct.  
Freemont, CA 94536

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4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/10/2000 6:23 PM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 lynn.woolsey@mail.house.gov at NP--INTERNET

Subject: [Fwd: Re: letter with address]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association

Box 1603

Inyokern, California 93527

----- Original Message -----

Subject: Re: letter with address

Date: Thu, 18 May 2000 23:14:46 -0400 (EDT)

From: leaddog@ix.netcom.com

To: spa@majorproduction.net

May 18, 2000

Dear Madams and Sirs:



I must respectfully object to the National Park Service's plan to add the Warm Springs area of Saline Valley to the Timbisha Shoshone Tribal Homeland. I do not believe that this move is being proposed in the interests of the Timbisha Shoshone but rather, it is a convenient, politically acceptable excuse to rid the National Park Service of the campers and bathers who have been peacefully using the springs long before it entered their sphere of control.

The fact that the remoteness of the springs has allowed bathers to eschew clothes and the fact that a diverse group of people have functioned well with a minimum of rules is intolerable to some. At a time, in this nation, when tolerance and the rights of the individual are under attack from all sides, it is disappointing that a governmental agency would attempt to exclude a group of people from a national resource.

For over ten years, my family and friends have made the long trek down from Northern California to camp, to hike, to soak, to loosen the pressures of modern life and enjoy the harsh beauty of the Saline Valley.

I am a member of Saline Preservation Association and I strongly believe that this unique valley should be managed with the interests in all those who love it in mind.

Sincerely,  
Patricia R.A. Stillman  
4558 Petaluma Hill Road  
Santa Rosa, CA 95404

SV-01

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4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/10/2000 6:54 PM  
 Normal

TO: DEVA Superintendent at NP-DEVA,  
 "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET  
 Subject: [Fwd: copy of letter to Dick Martin]  
 ----- Message Contents

Dick Martin, Superintendent,  
 Death Valley National Park  
 PO. Box 579  
 Death Valley, CA 92328  
 July 6. 2000

Dear Mr. Martin, I am writing this letter in opposition of Senate Bill S.2012. In large part due to the deficiencies in the LEIS.

E1D-01

The LEIS is geographically inaccurate. Geographic areas are inaccurately or vaguely described, or their location is not identified at all, as in the case of the "Indian Rancheria." The Tribe proposes to purchase two privately owned parcels in Saline Valley designated as the "Indian Rancheria." The LEIS states that the Timbishas' long-standing (but undocumented) occupation of the "Rancheria" is "proof" of the Tribe's interest in the Springs, which are in fact almost ten miles away, as the crow flies. The owners of the parcels in question were not contacted during the writing of the LEIS. The owner of one of the parcels, Marilyn Moyer, is NOT willing to sell her parcel, and we have reason to believe the other owners are not willing to sell either.

E1D-02

IR-03

The LEIS claims that 750,000 acres were originally considered for designation as the Natural and Cultural Preservation Area, but a more accurate estimate, verified by the local BLM office, is closer to 1.5 million acres.

E1D-04

The LEIS Contains Conflicting Statements. For example:

\* p. 14 INDIAN RANCHERIA [Saline Valley, near Hunter Canyon]:

IR-05

"The level of use is envisioned to be residential at approximately the same level that has existed in the past. In addition there may be a small joint NPS/Tribal office for visitor information and resource management for the Saline Valley portion of the Park."

p. 93 INDIAN RANCHERIA:



" Limited economic activities are anticipated at the Rancheria parcels."

IR-06

p. 95 INDIAN RANCHERIA:

"Specific land uses are not identified for the Indian Rancheria parcels."

p. 97 INDIAN RANCHERIA:

"No specific development is anticipated at the Indian Rancheria."

\* Historical Claims Are Poorly Documented. The Timbisha claim that they have a history of using the Springs for healing and ceremonial purposes. The main document they cite, by anthropologist/contractor Catherine Fowler, is not available for examination by the public. Available historical sources do not document this claim by the Timbisha.

HU-07

p. 16 SALINE VALLEY SPRINGS

"The Tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated with the springs."

SV-08

"The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the Tribe to the area. The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs."

\* Flawed or Nonexistent Science. No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. Descriptions of plant communities at the Rancheria and the Springs are inaccurate and/or incomplete, and are treated as if the areas are identical. Anyone who is familiar with the Springs knows this to be entirely inaccurate. (See p. 67

INDIAN RANCHERIA.)

\* Absence of Water Studies. Another troubling example of inadequate science is the absence of water studies on

W2-09

Centennial Flat, where pumping of groundwater may have an impact on the spring in the Cosos that supplies the town of

Darwin via a 7-mile pipeline. This concern is dismissed in the LEIS with the following deceptive paragraph:

p. 89 CENTENNIAL:

"Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary). p. 89 CENTENNIAL

W1-10

"Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary). Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat. Geologic and hydrologic data do not

C-11



support this assertion, but adverse effects on groundwater availability at Darwin cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality. Small-scale withdrawals associated with limited residential uses would not be expected to adversely affect supplies at Darwin."

The problem with this paragraph is that there are no wells in Darwin, nor any groundwater! The "exploratory well" on Centennial Flat has not been pumped and it is unknown whether it will supply any water, or what impact withdrawals of water will have on wildlife, plants, the town of Darwin and other holders of water rights. Although Centennial Flat is not part of Saline Valley, the dishonest discussion of this parcel in the LEIS is strong evidence that the document is defective.

Please consider my comments along with the enclosed request for a 60 day extension of the comment period.

Respectfully,

Janice Houghton  
P.O. Box 793  
111 West St.  
Big Pine, CA 93513  
760 938-2497



LEIS-083

Mr. Peter Greig & Mrs. Deborah Greig  
30601 Metzler Ridge Rd.  
Willits, CA 95490

July 9, 2000

Mr. Dick Martin, Superintendent  
Death Valley National Park  
P. O. Box 579  
Death Valley, CA 92328

Dear Superintendent Martin;

As frequent visitors to Saline Valley since 1960 we are very disappointed in Senate Bill S.2012 which is now making its way through Congress. As a strong supporter of the Desert Protection Act we are dismayed that the very lands that we fought to protect are now threatened by a flawed and inaccurate Legislative Environmental Impact Statement that completely ignores the General Management Plan for Death Valley National Park. E1D-01

Through our communications with the Saline Valley Preservation Association we recently became aware that we were not sent a copy of volume 2 of the LEIS. In addition, we were not notified of the June 12 public meeting so that we could ask questions and voice our concerns over the proposed Timbisha Shoshone Tribal Homeland. P4-02

With these deficiencies in mind we are requesting an extension of the public comment period beyond the July 22 deadline. This extra time would allow the Park Service to demonstrate compatibility between the LEIS and GMP. It would also allow the public time to examine and make comments on both proposals. E2-03 P2-04

We realize that the easy way to manage Death Valley National Park would be to relinquish control of as much of the newly acquired land as possible. But this certainly violates the spirit if not the law of the Desert Protection Act and the N.P.S. charter. E1D-05

Please extend the deadline for public comment so that everyone can be given time to make an informed and accurate decision about a place that so many Americans consider to be their "spiritual homeland". E2-06

Respectfully,

*Peter Greig Deborah Greig*  
Peter Greig and Deborah Greig

cc: Representative Mike Thompson  
Senator Barbara Boxer  
Senator Dianne Feinstein  
Saline Valley Preservation Association



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet.  
 Date: 07/12/2000 7:54 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA,  
 "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: Saline stuff]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Saline stuff  
 Date: Wed, 24 May 2000 11:46:17 -0700  
 From: "Frank Dobos" <frdobos@earthlink.net>  
 To: <spa@majorproduction.net>

Dear Major Tom; Please forward my note to the DVNP Superintendent and other interested parties. Dear Superintendent Martin We are outdoor enthusiasts and active conservationists. We find disturbing that the Timbishi Shoshone Tribe wants to take over the Saline Valley area including the Hot Springs and restrict or maybe denial entrance by the American public. It does not appear to be proper or necessary to

SV-01



establish new Indian Reservation by some fictitious or historical fallacy. The springs were developed to the present condition by volunteers for the use of the general public. The Death Valley National Park Management needs to listen to both side of this issue. It is unfortunate that those of us who worked to make this area part of the National Park may loose the right to use the spring. We ask that the Saline Valley Springs as part of the DVNP open for the use of all the people. Sincerely;

Lee Dobos  
Ave

Frank Dobos and Ruth  
602 Frontenac  
Los Angeles, CA 90065

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/12/2000 7:38 AM

Normal

TO: DEVA Superintendent at NP-DEVA,

"Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,

"Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,

"Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,

"Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,

"Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,

"Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,

"Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,

"Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,

"Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,

"Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,

"Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,

"Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,

"Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,

"Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,

Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,

Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: Timbisha@Saline Valley]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate

Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands

administered by the National Park Service and the Bureau of Land Management. We forward this

letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association

Box 1603

Inyokern, California 93527

----- Original Message -----

Subject: Timbisha@Saline Valley

Date: Tue, 23 May 2000 18:53:38 -0700 (PDT)

From: "Evan R. O'Connell" <eoconnel@slonet.org>

To: spa@majorproduction.net

CC: dick martin <deva-superintendent@nps.gov>,

senator@inouye.senate.gov, senator@feinstein.senate.gov,

senator@boxer.gov, Kathy Goss <kgoss@qnet.com>

Hello

I have just returned from Saline Valley Warm Springs where I enjoyed a



refreshing and healing vacation with my family.

I was fortunate to read the proposals and Leis regarding the Timbisha Shoshone use of land in the Saline Valley. After looking them over I failed to see the logic in the aforementioned proposals.

What I do see at the warm springs is a very unique environment. It is a result of decades of stewardship and gentle developement and thoughtful care of the area.

To see that interrupted or destroyed would be a loss of the blending of nature and human artforms that have occurred there as the result of freewill and loving self governance.

I support the continuation and preservation of the Saline Valley Warm Springs as a valuable part of desert history, every bit as valid as other

human habitations and settlements(e.g. ghost towns, mining areas).

What also is unique is that the development and maintainance of the springs is the result of individuals volunteering time and labor.

My family joins me in this appeal. We also applaud the present camp host

and all the other hard working visitors.

Please keep the springs accesssible to all people.

yours very sincerely,

Joyce R. O'Connell RN, CCRN

3217 Johnson Ave.

San Luis Obispo,

CA 93401

805-549-8036

SV-01

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/12/2000 8:04 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
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 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
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 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 lynn.woolsey@mail.house.gov at NP--INTERNET

Subject: [Fwd: Saline Valley]

----- Message Contents

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 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Saline Valley  
 Date: Tue, 30 May 2000 00:11:18 EDT  
 From: KIAtwell@aol.com  
 To: spa@majorproduction.net

Dear Superintendent Martin, and members of Congress:

I am opposed to the Timbisha Shoshone Homeland proposal.  
 I am a long-time visitor of Saline Valley who has written  
 several times about maintaining access to the warm springs. SV-01 |



I have returned to the Saline time and again for spiritual SV-02  
and physical renewal and do not want to loose the ability  
to retreat to a place to which I feel strongly connected.

I understand the importance of historic use  
of tribal lands and there are places I do not visit  
in order to honor the indigenous people who hold them  
sacred and hold ceremony there, specifically  
Mount Shasta in California, Mount Graham in  
Arizona, and Devil's Tower in Wyoming.

In sharp contrast to these other  
instances, the Timbisha Shoshone have no HU-03  
documented historical use in Saline Valley,  
and from the reports I have reviewed  
do not and will not view the area as a healing  
place the way many of the current visitors of Saline do.

I respect the need of tribal peoples to be honored and  
somehow compensated for what they have lost at the  
hand of "progress". But I do not feel that they are  
genuinely connected to the Saline Valley in a manner  
that would begin to heals those wounds.

I am in favor of the Timbisha Shoshone finding a SV-04  
home, but not to the exclusion of the many individuals  
who are strongly connected to Saline Valley Warm  
Springs.

Thank you for your time.

Sincerely,  
Kristin Atwell  
Documentary Filmmaker

PO Box 2846  
San Anselmo, California 94979

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/12/2000 8:10 AM

Normal

TO: DEVA Superintendent at NP-DEVA,

"Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,

"Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,

"Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,

"Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,

"Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,

"Sen. Frank Murkowski" <webmaill@murkowski.senate.gov> at NP--INTERNET,

"Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,

"Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,

"Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,

"Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,

"Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,

"Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,

"Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,

"Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,

Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,

Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: Saline Valley Hot Springs]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate

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The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks subcommittee)

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Saline Preservation Association

Box 1603

Inyokern, California 93527

----- Original Message -----

Subject: Saline Valley Hot Springs

Date: Tue, 30 May 2000 10:58:22 -0700

From: Daniel S Plumlee <dplum@socrates.berkeley.edu>

To: barbara.lee@mail.house.gov

To The Honorable Barbara Lee

414 Cannon House Office Building

Washington, DC 20515

I am writing in response to a perceived threat to those who use and SV-01



enjoy  
the hot springs in Saline Valley, one of the 4 valleys protected under  
the  
status of Death Valley National Park since the California Desert  
Protection  
Act of 1994.

SV-02

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Speaking for myself, these springs are a haven and a sacred place. Here  
time slows to a trickle, the mind settles on the immediate, the natural  
world penetrates the senses with clarity and intensity. At the springs  
you  
find an open community of individuals who have worked and continue to  
work  
together to develop, in a very simple aesthetic way, an infrastructure  
that  
supports the visitor for his/her stay. The community that uses,  
developed  
and maintains these springs is transitory and larger than can be seen on  
the ground at any one time. At the springs the community is usually a  
small  
one, kept that way by a rugged road, primitive camping conditions and  
length-of-stay limits placed by the park service. As a visitor the  
community offers itself. You may share in the everyday tasks of upkeep.  
You  
are expected to, at the least, be respectful of the natural environment,  
the community and the facilities.

Because of this community and the facilities they share for free, these  
springs in Saline Valley are unique. This is not a resort for the rich.  
Because here, you do not pay to have your soaking tubs cleaned, you do  
not  
pay for your meal or for the right to pitch your tent on the ground.  
Here  
spontaneous potlucks erupt and all who wish to, eat together. Here  
fantastic music is made around the fire; a guitar, a stand-up bass, a  
saxophone, an Indian hoop drum, a harmonica. Here you take your turn,  
you  
offer a hand or hardware, you improve your surroundings unde:  
guidance  
of the larger community. For example: toilets placed at the springs in  
December 1999, where landscaped by volunteers within a week and their  
interiors had been wonderfully painted within months.

But I fear that the bill, S.2102 (Timbisha Homeland) currently moving  
through Capital Hill, may threaten this community that has grown for 30+  
years in this remote valley.

I quote from the Legislative Environmental Impact Statement Timbisha  
Shoshone Homeland Death Valley National Park:

#### .16 SALINE VALLEY SPRINGS

"The Tribe no longer uses the springs because current visitor use  
is  
incompatible with the Tribal values associated with the springs."

"The area is suitable for special tribal uses because of the  
historic  
and cultural use of the area and the historical relationship of the  
Tribe to the area. The Tribe and NPS wish to establish a greater  
tribal  
presence at the springs and will develop and conduct a pilot  
demonstration project regarding management of the springs."



SV-03  
It is true, I have never seen a member of the tribe at the Saline Valley Hot Springs. It is open to all who choose to come. You can partake in the community or walk within it. One doesn't even have to speak. There is nudity at the springs. It is not forced. It is not disgraceful. There are old and young, children, infants. They all come and go - you can't stay long in a national park.

But now there is interest by a group of individuals who feel that their proposed use of the springs are "incompatible" with the public's. This group wants to manage the springs. They do not wish to use the springs without the ability to manage the springs.

I support the Timbasha in their efforts to acquire a homeland. I personally would like an increased presence of the Timbasha in the valley... as members of the public who choose to use the springs in conjunction with those who use it today. The community that has evolved there, to my mind, is the rare type of functional community that should be emulated rather than tied to the regulation of an intervening group. The community is a refuge from the profit minded and molded mentality of the California that has evolved since the Timbasha Shoshone were displaced. I fail to see why they would not support it.

There are other lands given to the Timbasha, lands with better access to paved roads and civilization. I see no reason that this self-managing community be placed under yet another layer of management. And I see it as a crime against the public that a well-used and well-run public establishment, which requires no government assistance, be destroyed or severely altered needlessly because the community has a small voice (\$).

Please pay attention to this bill and to its larger implications. I believe there is plenty of room here to satisfy all parties concerned. And I am not confident that the park service is the proper spokesperson for this community that has been here and established far longer than the park service administration has been its guardian.

Sincerely,

Daniel Plumlee  
Private Citizen, Albany CA

P.S. Let's give the Timabasha the Furnace Creek Resort (\$)! Such an action would be a far more sincere gesture to justice and would greatly aid the tribe in achieving its goals.

-----  
Daniel S Plumlee  
Equipment/Collections Manager  
501 McCone Hall #4740  
Berkeley, CA 94720  
-----

(510) 642-4368  
Department of Geography  
University of California



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/12/2000 8:16 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
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 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 barbara.lee@mail.house.gov at NP--INTERNET

Subject: [Fwd: LEIS defeat]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
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 Senators Feinstein and Boxer of California  
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 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: LEIS defeat  
 Date: Thu, 8 Jun 2000 01:10:11 -0700  
 From: "Richard Easterling" <richard@outsourcaceafe.com>  
 To: <spa@majorproduction.net>

Dear Representative Lee,

As you may be aware, the Timbisha Homeland Legislative Environmental



Impact

Statement (LEIS) was recently introduced to Congress for review. This <sup>SV-01</sup> document proposes to turn the management of Saline Valley Warm Springs, in the Death Valley National Park, over to the Timbisha Shoshone. I am opposed to this proposal because it leaves us the creators, caretakers, and users of the spring without a say in its future. As a longtime user of the springs, I have come to see it as more than the beautiful place it is, but also as a community of people bound by the love of the place. The park needs to recognize that they would be destroying the greatest living cultural gem in its boundaries, if they go forward with this proposal. This park is for the public, I think the public should determine its future, not park politics. Please help us defeat this proposal!

Sincerely,

Richard Easterling  
870 Alvarado Rd.  
Oakland, CA 94705



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/12/2000 8:37 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
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 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
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 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
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 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 dunnwa08@mail.house.gov at NP--INTERNET, senator@bryan.senate.gov at NP--INTERNET

Subject: [Fwd: Against Timbisha Homeland Proposal]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

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Members of the House Resources Committee (including the National Parks  
 subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Against Timbisha Homeland Proposal

Date: Fri, 23 Jun 2000 14:36:32 -0700

From: KautzJ@immunex.com

To: spa@majorproduction.net

To

Dick Martin, Superintendent,  
 Senator Daniel Inouye,  
 Senator Dianne Feinstein, and

Timbisha Shoshone Homeland LEIS



Senator Barbara Boxer

I am strongly against the Timbisha Homeland proposal. Public land should SV-01

be managed by the government for the benefit of all not a select few. I feel that individuals who currently visit the springs have done a great job

in minimizing the impact to the environment and keeping the springs as natural as possible. Based on my observations, I fear that if the land is M1-02

co-managed by the Shoshones this will longer be the case.

Additionally, my understanding is that there is little evidence that the tribe ever used the springs for special ceremonies. My greatest fear is that the tribe would use the springs as a commercial profit making center HU-03  
for themselves.

Public land is meant to be used by ALL not a select few. I urge the Senators to vote against this proposal (Senate Bill S2102) and Superintendent Dick Martin to oppose the Homeland Proposal in its current form.

Thank you

Janet Kautz  
33638 SE 55th St  
Fall City, WA 98024  
425-222-6278



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/12/2000 9:00 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
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 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
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 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feirstein.senate.gov> at NP--INTERNET,  
 snyder.congress@mail.house.gov at NP--INTERNET,  
 senator.hutchinson@hutchinson.senate.gov at NP--INTERNET,  
 blanche\_lincoln@lincoln.senate.gov at NP--INTERNET  
 Subject: [Fwd: Timbisha Homeland Proposal]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

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 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Timbisha Homeland Proposal  
 Date: Mon, 26 Jun 2000 20:09:29 -0500  
 From: Newton Suter <suters@earthlink.net>  
 Reply-To: suters@earthlink.net  
 To: DEVA\_Superintendent@nps.gov  
 CC: spa@majorproduction.net

June 26, 2000



Hello Superintendent Dick Martin,

now sad it was to learn that our public comments written last summer SC-01  
regarding the Timbisha Home. and Proposal were largely ignored. I hope  
this second round of comments is taken seriously.

I urge you to extend the 10-day "extension" (to August 1, 2000) E2-02  
least six months (or a full year) to allow for reflective public comment  
regarding the Timbisha Shoshone draft legislative environmental impact  
statement (LEIS). Why the rush? Let's all avoid being bamboozled by  
jamming a controversial proposal through the channels. I am shocked to  
learn about the extent of deficiencies within the LEIS, and I hope more  
time will allow for corrections and clarifications.

I strongly oppose Senate Bill S.2012 and the concept of superimposing a M1-03  
Cultural Preservation Area in Death Valley National Park, especially one  
with co-management in any area of Saline Valley (and particularly the  
Warm Springs). No action in Congress should be taken while the LEIS E1D-04  
itself is under a black cloud. I am troubled by its conflicting  
statements, poorly documented claims, inaccuracies, junk science, and  
absence of proper studies.

I trust you are in a position to influence lawmakers who might act  
responsibly by putting brakes on this proposal as long as the LEIS is  
shrouded in controversy. Passage of Senate Bill S.2012 with a deceptive  
LEIS would create problems that could be avoided by amending or PI-05  
correcting the current LEIS, or better yet, requiring a full  
Environmental Impact Statement.

Please consider a six- or 12-month extension of the public comment E2-06  
period. During this time, the deficiencies (deceptions?) of the LEIS  
will come to light. Our lawmakers will all be in a better position to  
act responsibly.

Sincerely,

Newton Suter  
11117 Sabine Valley Drive  
Little Rock, AR 72212-3133  
501-221-2575  
suters@earthlink.net



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/12/2000 8:27 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail1@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
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 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 barbara.lee@mail.house.gov at NP--INTERNET,  
 "Marchant; Wayne" <foc@infinex.com> at NP--INTERNET

Subject: [Fwd: Letter]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Letter

Date: Fri, 16 Jun 2000 12:13:25 -0700

From: wayne marchant <foc@infinex.com>

To: "\"Major Tom\" Ganner" <spa@majorproduction.net>

file:///c:/spa2.htm



June 15, 2000

Wayne Marchant  
940 E 14th Street  
Oakland, Ca 94606

Dick Martin, Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, Ca 92328

Dear Representative for Alameda County  
Barbara Lee  
414 Cannon House Office Building  
Washington, DC 20515

Senators for California:  
Dianne Feinstein  
331 Hart Senate Office Building  
Washington, DC 20510

Barbara Boxer  
112 Hart Senate Office Building  
Washington, DC 20510

SV-01

Specifically the problem to correct is to preserve the Saline Warm Springs from Timbisha Shoshone control. These springs have a user group as significant as the Furnace Creek Inn and golf course. To establish a greater tribal presence at the springs and develop and conduct a pilot demonstration project regarding management of the springs is giving control to a adverse group to the current users.

These springs are well managed, groomed by the current user group and do not need any change. The issue seems economic such that NPS will not have to deal with the area which is very remote.

There is no proof that the Warm Springs was significant to the indians at all. As we know by history the indians tried to claim Alcatraz island located in San Francisco bay with bogus claims.

HU-02

The enclosed letter contains my comments on the Legislative Environmental

Impact Statement (LEIS) on Senate Bill S.2102, which enacts the recommendations of the Timbisha Shoshone Tribal Homeland Report. As required by the public comment process, the letter is addressed to Dick Martin, Superintendent of Death Valley National Park. The last time that I

SC-03

(concerned citizens) wrote to Mr. Martin with my (their) comments on Timbisha Homeland Report, my (their) comments were largely ignored.

The LEIS is inherently flawed, as my comments in the enclosed letter indicate. Please consider amending the Timbisha Homeland legislation to correct these problems.

SV-05

Specifically the problem to correct is to preserve the Saline Warm Springs from Timbisha Shoshone control. These springs are cared for and do not need to be changed.

Sincerely,

Timbisha Shoshone Homeland LEIS



Wayne Marchant

940 E. 14th St.

Oakland, California 94606

Enclosure: Letter to Dick Martin

cc: Barbara Lee, Dianne Feinstein, Barbara Boxer

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/12/2000 9:17 PM

Normal

To: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 mail.gibbons@mail.house.gov at NP--INTERNET, senator@bryan.senate.gov at NP--INTERNET

Subject: [Fwd: Timbisha Shoshone proposal]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

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 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Timbisha Shoshone proposal  
 Date: Thu, 1 Jun 2000 17:09:59 -0700  
 From: "Greg Voge" <gmvoge@yahoo.com>  
 Reply-To: <gmvoge@yahoo.com>  
 To: <spa@majorproduction.net>

Dear Sir/Madam,

I am writing to express my opposition to the proposal to turn the warm SV-01  
 Springs in Saline Valley over to the Timbisha Shoshone tribe, for their  
 management. I believe that the area around and including the warm springs  
 in Saline Valley is best managed by the National Park Service.



Please forward my comments to the appropriate political authorities. My name is GregoryVoge, and my address is 569 Lucille Drive, Incline Village, Nevada, 89450. My e-mail address is gmvoqe@yahoo.com

Sincerely,

GregoryVoge

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/13/2000 11:47 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
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 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: Re: [Fwd: Help us help you]]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Re: [Fwd: Help us help you]

Date: Tue, 6 Jun 2000 15:35:25 -0700 (PDT)

From: TheRanch <daranch@telnet.iwvisp.com>

To: Saline Preservation Association <spa@majorproduction.net>

Comments from The Center for Western Lands on the proposed Timbisha Homeland.



The Center for Western Lands

Max Hovaten

3927 Argo St

Inyokern, CA 93527

I have read the legislative proposal on the Timbisha Shoshone homeland and I want to share with you my comments. My family has used for generations some of the same areas that the tribe claims to be using and I have as yet run across any tribal members hunting, pinion nut and herb gathering. What I HAVE seen is many non tribal members, (i.e. the general public) camping, hunting, and generally simply enjoying nature. I have a tough time believing that we will see any number Timbisha Shoshone gathering pine nuts on Hunter Mountain or elsewhere especially since pinion nuts have been imported from China for many years for 25% the cost of local nuts!

As for the Centennial springs property, a spring in the desert is a rare C-01 and valuable resource for wildlife. It is inconceivable that it is proposed to 'develop' these springs for housing!! How can we expect to have a 'homeland' community if there is an isolated group of three families 2 hours away from the tribal center?! How can the P3-02 proposers justify that an EIS is not required when development of a pristine environment such as Centennial valley would impact the native species and habitat dramatically? We noted that the wording of the draft even implies the development of a gambling casino in the valley!! These proposals definitely run contrary to the spirit MG-03 and the law of the EIS process!

The hot springs issue is quite obviously a grab of a possible economic SV-04 resource. Once again we have conflict between development and native species and habitat. These springs are located on a bad dirt road two hours away from the proposed tribal headquarters, without electric service or the possibly of electric service.

These springs were developed over the past 50 years and are used by



people each year to get away from the city and relax in the desert. I seriously doubt that any of the tribe will significantly use these springs. The inclusion of the Saline springs will abrogate thousands of visitor days to Death Valley with a possible few visitor days by the Timbisha Shoshone.

Granting of real estate to the Timbisha Shoshone at Furnace Creek, Death Valley Junction, and the other sites with habitation is a logical choice. These areas have no critical or wild habitat and can provide a valuable economic base as far as tourism and services, (including federal grants). It is inconceivably to include the wild lands in this grant of land to the Timbisha Shoshone and remove these lands from public access and place them in private hands. We feel that this is a perversion of the intent of the Environment Review process and my organization strongly opposes this legislation in its present form.

P3-05

Sincerely;

Max Hovaten

Center for Western Lands



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/13/2000 11:58 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: loretta@mail.house.gov at NP--INTERNET,

"Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,

"Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,

"Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,

"Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,

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"Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,

"Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,

"Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,

"Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,

"Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,

"Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,

Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,

Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: letter about Saline Springs]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

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 Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: letter about Saline Springs

Date: Wed, 21 Jun 2000 15:26:33 EDT

From: Ken4nature@aol.com

To: spa@majorproduction.net

June 21, 2000

RE: Oppose Senate Bill S.2012

I am writing this letter to SPA to be forwarded to my United States



Representative Loretta Sanchez, U.S. CA Senators, Dick Martin, and any others that are connected with this issue.

I am Opposed to Bill S2012 in its present form. It must be changed to allow SV-01  
for public access to the Saline Hot Springs area and allow for nude use  
of  
the Springs as it has been for many many years. Please extend the E2-02  
comment  
period beyond the July 22, 2000 date to allow for public comment and  
more  
factual information to be brought to your attention. I have been going  
to the  
Springs for many years and have never seen any Indian use of the Spring  
area.  
Why take this area away from the ONLY people that use it. I am not  
against  
giving Indians land in the area, but the Hot Springs should NOT be  
included  
in the give away. The study that was performed is flawed and major areas E1D-03  
should be corrected before any decision is reached. Again please extend  
the  
July 22 deadline for public response.

Ken Dalnes  
1544 W. Alexis Ave.  
Anaheim, CA 92802



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/12/2000 9:17 PM

Normal

TO: DEVA Superintendent at NP-DEVA  
 CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
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 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 mail.gibbons@mail.house.gov at NP--INTERNET, senator@bryan.senate.gov at NP--INTERNET  
 Subject: [Fwd: Timbisha Shoshone proposal]

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Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Timbisha Shoshone proposal  
 Date: Thu, 1 Jun 2000 17:09:59 -0700  
 From: "Greg Voge" <gmvoqe@yahoo.com>  
 Reply-To: <gmvoqe@yahoo.com>  
 To: <spa@majorproduction.net>

Dear Sir/Madam,

I am writing to express my opposition to the proposal to turn the warm SV-01 springs in Saline Valley over to the Timbisha Shoshone tribe, for their management. I believe that the area around and including the warm spring in Saline Valley is best managed by the National Park Service.



Please forward my comments to the appropriate political authorities. My name is GregoryVoge, and my address is 569 Lucille Drive, Incline Village, Nevada, 89450. My e-mail address is gmvoqe@yahoo.com

SincerX-Mozilla-Status: 0009



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/13/2000 11:58 AM

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TO: DEVA Superintendent at NP-DEVA

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Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,

Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: letter about Saline Springs]

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 Box 1603  
 Inyokern, California 93527

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To: spa@majorproduction.net

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for public access to the Saline Hot Springs area and allow for nude use of SV-01

the Springs as it has been for many many years. Please extend the comment E2-02

period beyond the July 22, 2000 date to allow for public comment and more

factual information to be brought to your attention. I have been going to the

Springs for many years and have never seen any Indian use of the Spring area.

Why take this area away from the ONLY people that use it. I am not against

giving Indians land in the area, but the Hot Springs should NOT be included

in the give away. The study that was performed is flawed and major areas should be corrected before any decision is reached. Again please extend the E1D-03

July 22 deadline for public response.

Ken Dalnes  
1544 W. Alexis Ave.  
Anaheim, CA 92802



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/13/2000 12:02 PM  
 Normal

TO: DEVA Superintendent at NP-DEVA

C: brad.sherman@mail.house.gov at NP--INTERNET,

"Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,

"Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,

"Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,

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"Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,

"Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,

"Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,

"Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,

Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,

Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: URGENT: Extension for Timbisha LEIS]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate

Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands

administered by the National Park Service and the Bureau of Land Management. We forward this

letter on behalf of its author, who is a member of the Saline Reservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association

Box 1603

Inyokern, California 93527

----- Original Message -----

Subject: URGENT: Extension for Timbisha LEIS

Date: Sat, 1 Jul 2000 09:39:04 -0700

From: Dennis Murphy <dennis@bustools.com>

Organization: Computer Bus Tools

To: <DEVA\_Superintendent@nps.gov>

Mr. Martin:

As a long time visitor to Saline Valley, I am still in shock of the way this matter is being handled. I am writing to every politician and



public figure that I can possibly contact via email and postal service to ensure that this process is inspected for validity and founded on what is right for the public and not just special interests.

Please do not take this matter lightly as I and many others are bound to continue to enlighten our representatives of the entire matter.

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

P1-01

E1D-02

I hereby request that a further 60 day extension of the comment period be granted. Perhaps the responsible agencies can be a bit more proactive in notifying the public of other "typos" that are seriously misrepresenting the facts.

E2-03

Passionately,

Dennis & Vicki Murphy  
1925 Elmsbury Road  
Westlake Village, CA 91361

CC:

Rep. Brad Sherman  
Rep. Elton Gallegly  
Sen. Barbara Boxer  
Sen. Dianne Feinstein

Dennis Murphy  
Computer Bus Tools  
805-376-6040 (fax: 707-667-2972)  
dennis@bustools.com  
www.bustools.com



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/13/2000 12:09 PM  
 Normal

TO: DEVA Superintendent at NP-DEVA

C: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET  
 Subject: [Fwd: My letter to Supt. Martin]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks subcommittee)

--  
 Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----  
 Subject: My letter to Supt. Martin  
 Date: Sun, 02 Jul 2000 14:26:53 -0700  
 From: Bruce Hamilton <bhami@pobox.com>  
 To: spa@majorproduction.net

Below is the letter I am sending to Supt. Martin and cc'ing to my Senators and Congressman. Brief and to the point.

--Bruce (Bruce Hamilton, Redondo Beach, CA)  
 bhami@pobox.com  
<http://home.earthlink.net/~bhami/>



Bruce A. Hamilton  
2116 Bataan Rd. #C  
Redondo Beach, CA 90278-1436  
e-mail: bhami@pobox.com  
(h) 310-793-6358  
2 July 2000

Dick Martin, Superintendent,  
Death Valley National Park  
PO. Box 579  
Death Valley, CA 92328

Dear Superintendent Martin:

This is to comment on your "Draft Legislative Environmental Impact Statement: Timbisha Shoshone Homeland", dated April 2000.

The report, as summarized in its Table S.1, proposes an outrageous giveaway of our precious public lands to a handful (fewer than 300) of Indians, who would be permitted to build residences and commercial establishments in Death Valley National Park!

DV-01

This giveaway would remove the Saline Valley Warm Springs from public use, which have been enjoyed and cooperatively maintained for decades by many hundreds of people.

SV-02

I oppose the S.2102 enabling legislation and support Alternative 2, "no action".

Sincerely yours,

Bruce A. Hamilton

Cc: Senator Dianne Feinstein,  
Senator Barbara Boxer,  
Congressman Steven Kuykendall



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/13/2000 12:27 PM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: mail.gibbons@mail.house.gov at NP--INTERNET, senator@bryan.senate.gov at NP--INTERNET,  
 "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmaill@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET  
 Subject: LEIS and Senate Bill S.2102

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--  
 Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

TO: The Honorable Richard H. Bryan (senator@bryan.senate.gov)  
 The Honorable Harry Reid (senator\_reid@reid.senate.gov)The  
 Honorable Jim  
 Gibbons (mail.gibbons@mail.house.gov)

The attached letter contains my comments on the Legislative  
 Environmental  
 Impact Statement (LEIS) on Senate Bill S.2102, which enacts  
 the  
 recommendations of the Timbisha Shoshone Tribal Homeland  
 Report. As



required by the public comment process, the letter is addressed to Dick Martin, Superintendent of Death Valley National Park. The last time that I wrote to Mr. Martin with my comments on the Timbisha Homeland Report, my comments were largely ignored.

The LEIS is inherently flawed, as my comments in the attached letter indicate.

Please consider amending the Timbisha Homeland legislation to correct these problems.

Sincerely,

Virginia K. Ganthner (ganthner@aol.com)  
2270 Saddle Ridge Court  
Reno, Nevada 89509  
775/827-1146

The letter has been translated from Word Perfect format to text for your convenience, and reads as follows (-SPA):

Virginia K. Ganthner  
2270 Saddle Ridge Court  
Reno, Nevada 89509

July 13, 2000

Dick Martin  
Superintendent  
Death Valley National Park  
Furnace Creek, CA 92328  
DEVA\_Superintendent@nps.gov

Re: Legislative Environmental Impact Statement (LEIS) on Senate Bill S.2102  
- Timbisha Shoshone Tribal Homeland Report

Dear Mr. Martin:

I have a number of concerns regarding the LEIS and urge you to reconsider this document.

1. First, I request that you extend the comment period beyond July 22, 2000. Many people go on vacation right after school lets out for the summer and haven't had a chance yet to respond. Also, the complete LEIS was not posted or mailed early enough to encourage or allow citizen response. E2-01
2. Public comments have been largely ignored. This is not the way to gain support for passage of this bill. SC-02
3. Co-management of a national park does not safeguard the rights of all U.S. citizens to freely visit that park. There will undoubtedly be conflicts in the views of the various agencies as to proper park usage. Our national parks already have a national agency to oversee their use for all people. Death Valley National Park does not need a group with a singular and self-serving position to assist in its management. Is there co-management with Indian tribes at Yellowstone? At Yosemite? This sort M1-03



of takeover is not only unnecessary but also undesirable for the majority of Americans not associated with the Timbasha tribe. This small minority of Native Americans can already enjoy Death Valley whenever they so desire--without needing to limit its use by all other citizens.

4. Verification of the historical use of this land by the Timbisha tribe is lacking. If they claim their people lived in this area for generations, that claim should be backed by actual evidence. (I've only seen old miners' cabins and a few indications of migrating Indian tribes that wandered through the valley a century or more ago--nothing to suggest they ever lived at the springs for more than a few months at a time.) HU-04

5. The many falsehoods and inconsistencies of the LEIS make the entire document suspect. Specific geographic area designations are either incorrect, missing entirely, or stated inconsistently in different portions of the document. The total area under consideration is listed in the LEIS as 750,000 acres but may actually be twice that amount of land. This is a huge parcel under consideration for this drastic change in management. E1D-05

6. The LEIS does not evaluate the impact of the Indian development plans. Also, water studies are lacking. This desert area should not be considered for any permanent type of development such as the Timbasha have suggested without a complete environmental assessment of its impacts, including a determination of what effect well drilling and pumping will have. E1D-06 W2-07

I urge you to extend the comment period and look again at the impact this legislation will have on a national park you are directed to protect for all U.S. citizens.

Sincerely,

Virginia K. Ganthner

ccs: The Honorable Richard H. Bryan (senator@bryan.senate.gov)  
The Honorable Harry Reid (senator\_reid@reid.senate.gov)  
The Honorable Jim Gibbons (mail.gibbons@mail.house.gov)  
spa@majorproduction.net

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JUL 14 2000

LEIS-100

July 8, 2000

H. Stan Faulwetter  
750 La Crosse Drive  
Morgan Hill, CA 95037

Dick Martin - Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

**RE: Request for Additional Extension: Timbisha Legislative Environmental  
Impact Statement (LEIS)**

Mr. Martin,

Once again, it is with great regret that I am forced to write you. I have recently read and reviewed the LEIS regarding the proposed 'Timbisha Homeland' land give-away. This 'proposal' has extremely broad implications and could set far reaching precedents detrimental to all citizens of the United States. The LEIS is a defective document, riddled with errors. In short it is not a LEIS, it is LIES!! This defective document, containing numerous errors and insufficient documentation, was hastily prepared in only five months and serves as a tool to circumvent a properly researched Environmental Impact Statement.

E1D-01

P1-02

Suffice to say that I will not take your time to detail all of the errors contained in this poorly prepared document. I will however, highlight areas of concern regarding the LEIS:

M1-03

1. The Co- Management concept is NOT appropriate for a National Park. I am concerned about the idea of superimposing an "Indian reservation" on nearly half of the Death Valley National Park.

2. The person(s) who drafted the LEIS did not do proper research! Within the document there are MANY discrepancies, contradictions, and false assertions. Much of the environmental studies are incomplete and based on faulty science. Maps and descriptions of areas of "co-management" are missing and/or vague. No on-the-ground plant inventory was done, descriptions of plant communities are inaccurate or incomplete.

E1D-04

3. PUBLIC COMMENTS HAVE BEEN IGNORED! At public meetings, park officials admitted that many, many letters from citizens (taxpayers?), were IGNORED and NOT made a part of the LEIS! This is an inexcusable fraud perpetrated upon the American people!

SC-05



4. Historical claims are very poorly documented. Available historical sources do not show that the Timbisha have valid claims to the areas in question. HU-06

5. There is a shocking absence of water studies! Water and its availability is critical in a desert environment! W2-07

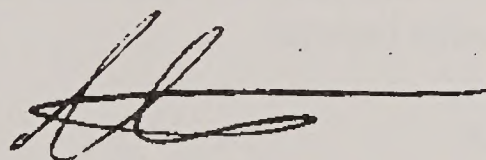
6. The General Management Plan for Death Valley National Park has yet to be issued. How can a co-management plan that 'gives-away' up to one half of the park be proposed in absence of a general management plan? This action alone is incompetent and in-excusable! P2-08

These are but a few examples of why the LEIS is a SEVERELY defective document. These inaccuracies MUST be corrected before this process can further proceed!

I am demanding that an extension of at least 30 days be given past the July 22 comment deadline. The proposed 10 day extension is meaningless and does not address the public (taxpayers?) need for adequate due process as well as time to address the MANY errors in the LEIS. The Inyo County Board of Supervisors have also asked for an extension. As the local governing agency, as well as an agency that stands to be impacted heavily by the Timbisha Bill, their request must be honored! E2-09

The haste with which this proposal was prepared and 'reviewed' makes it appear obvious that there is some sort of an attempt to rush the LEIS and its subsequent legislation through congress before the public can act. The American public deserves and demands better from our public servants and officials!

Extend the comment period and stop the wholesale 'give-away' of public lands now!



H. Stan Faulwetter

cc: Saline Preservation Association  
Senator Daniel Inouye  
Senator Diane Feinstein  
Senator Barbara Boxer  
Representative Zoe Lofgren  
Representative Jerry Lewis  
Representative Tom Campbell

salva13





# California Regional Water Quality Control Board

## Lahontan Region

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Victorville Office  
Internet Address: <http://www.swrcb.ca.gov/rwqcb6>  
15428 Civic Drive, Suite 100, Victorville, California 92392  
Phone (760) 241-6583 • FAX (760) 241-7308



Gray Davis  
Governor

LEIS-101

July 11, 2000

Scott Morgan  
State Clearinghouse  
P.O. Box 3044  
Sacramento, CA 95812-3044

SCH # 2000054008

### TIMBISHA SHOSHONE LEGISLATIVE ENVI RNO COUNTY

The Regional Water Quality Control Board (Board staff) in Victorville has received the Draft Legislative Environmental Impact Statement (LEIS) for the Timbisha Shoshone Homeland. The National Environmental Policy Act (NEPA) requires that any proposal for legislation must be accompanied by an Environmental Impact Statement (EIS). This document has been submitted to interested agencies to fulfill NEPA requirements.

To create a tribal homeland for the Timbisha Shoshone Tribe, the United States is considering land transfers and acquisitions to be held in trust by the Secretary of the Interior. These lands are located in and around Death Valley National Park.

Board staff has reviewed the EIS and has no comments on the proposed action at this time. Board staff may be involved if future development on these lands result in a threat to water quality of surface or ground waters of the region. Board staff asks to be kept on the mailing list for future updates of the legislative process related to this issue. Additionally, the future landowners should be informed that they are required to contact Regional Board staff if proposed projects may result in water quality impacts. E1A-01

Sincerely,

Michele Ochs  
Associate Engineering Geologist  
Mono/Owens Unit

cc: Mailing List

MO\rc\timbisha

California Environmental Protection Agency



Recycled Paper



**MAILING LIST**

Joan DeGraff  
National Park Service  
P.O. Box 579  
Death Valley, CA 92328

Ahmed Moshen  
Bureau of Land Management  
300 South Richman Rd.  
Ridgecrest, CA 93555

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Gray Davis  
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse



Steve Nissen  
ACTING DIRECTOR

July 17, 2000

LEIS-101A

Joan DeGratt  
National Park Service  
P.O. Box 579  
Death Valley, CA 92328

Subject: Timbisha Shoshone Legislative Environmental Impact Statement  
SCH#: 2000054008

Dear Joan DeGratt:

The State Clearinghouse submitted the above named Draft EIS to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 14, 2000, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

*Terry Roberts*

Terry Roberts  
Senior Planner, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
(916) 445-0613 FAX (916) 323-3018 WWW.OPR.CA.GOV/CLEARINGHOUSE/SE/HTML



# State Clearinghouse Data Base

**SCH#** 2000054008  
**Project Title** Timbisha Shoshone Legislative Environmental Impact Statement  
**Lead Agency** National Park Service

**Type** EIS Draft EIS

**Description** The legislative environmental impact statement (LEIS) analyzes possible environmental impacts that could result from the transfer of federal lands or the purchase of private lands. Transfer of lands currently managed by the National Park Service and the Bureau of Land Management requires congressional approval. The LEIS also seeks congressional authorization to purchase two parcels of approximately 2,550 acres from private owners.

## Lead Agency Contact

**Name** Joan DeGratt  
**Agency** National Park Service  
**Phone** (760) 255-8830  
**Fax**  
**email**  
**Address** P.O. Box 578  
**City** Death Valley  
**State** CA **Zip** 92328

## Project Location

**County** Inyo  
**City**  
**Region**  
**Cross Streets** Highway 127 and Highway 191  
**Parcel No.**  
**Township** 27N **Range** 1E **Section** 22 **Base** SanBern.

## Proximity to:

**Highways** Route 190  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use** Federal lands and private property

**Project Issues** Aesthetic/Visual; Archaeologic-Historic; Economics/Jobs; Minerals; Noise; Vegetation; Water Quality; Water Supply; Wildlife; Landuse; Cumulative Effects; Drainage/Absorption

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Department of Forestry and Fire Protection; Office of Historic Preservation; Department of Parks and Recreation; Caltrans, District 9; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Native American Heritage Commission; State Lands Commission; Regional Water Quality Control Bd., Region 6 (Victorville)

**Date Received** 05/16/2000 **Start of Review** 05/16/2000 **End of Review** 07/14/2000

Note: Blanks in data fields result from insufficient information provided by lead agency.



Eric Hirst  
814 N. Westridge Ave.  
Glendora, CA 91741

LEIS-102

"114"

Dear Superintendent Martin:

I am writing to you in regards to the Saline Valley and the Timbisha Tribal Homeland Report and the Legislative Environmental Impact Statement (LEIS). I am concerned on a number of points, the "co-management" concept of a National Park, the flaws and omissions in the LEIS, and the fact that public comments were ignored.

I am concerned about the co-management concept because of the lack of any safeguards to continuing public access to the areas in questions. Especially the Saline Valley hot springs which is one of the areas proposed for the co-management idea. I firmly believe that the LEIS drafters did not do their homework and that there are many discrepancies, contradictions and outright false or undocumented assertions. It appears that much of the environmental evaluation is ill-informed and incomplete. The maps provided in the report are vague and do not show the areas of the proposed co-management by the Timbisha. These referenced areas are inaccurately and vaguely described or not identified at all, as is the case with the "Indian Rancheria". The LEIS states that the Timbisha's long-standing occupation of the "Rancheria" is "proof" of the Tribe's interest in the Springs, when in fact they are nearly 10 miles away. There exists no documentation of the Tribe's occupation in this area. The existing privately held parcels in the Valley are not for sale currently and the owners of these parcels have not been contacted as to their willingness to sell. The LEIS makes the claim that only 750,000 acres were considered for designation as the Natural and Cultural Preservation Area, when a more accurate estimate, verified by the local BLM office, is closer to 1.5 million acres. This presents a falsehood to the members of Congress when they review this document.

Further the LEIS contains a number of conflicting statements such as the comments made about the Indian Rancheria; p.14 "The level of use is envisioned to residential at approximately the same level that has existed in the past....". p.93 "Limited economic activities are anticipated at the Rancheria parcels." p.95 "Specific land uses are not identified for the Indian Rancheria parcels." p.97 "No specific development is anticipated at the Indian Rancheria." The historical claim presented for the Timbisha's use of this area is oddly not available for examination by the public. Those sources that are available do not document the claim by the Timbisha.

Lastly but certainly not the least of my concerns was the omission of much if not all of the public's comments and letters with regard to this situation. Park officials have conceded that this is the case and that letters written by members of SPA and the general public were not included in documentation for the LEIS since they did not address the issue of land transfer. What a cop-out and poor excuse to not present the complete story to the members of Congress whose job it is to review this matter. For these reasons and others I request an extension of the comment period beyond the current 7/22/00 deadline.



Please allow the public a meaningful and substantial period of time to express their opinions on this matter. Additional since the General Management Plan for the park has yet to be issued it doesn't make a lot of sense to make a decision on this matter now. We the public need a reasonable amount of time to be able to review and comment upon the proposals. Thank you very much for your consideration in this matter.

Eric Hirst.

cc.Rep. Dreier, Sen. Boxer, Sen. Feinstein

P2-08

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4.1 INDEX BY AUTHOR



July 12, 2000

Superintendent  
DEATH VALLEY NATIONAL PARK  
Death Valley, CA 92328

re: Comments on Timbisha Shoshone Homeland LEIS

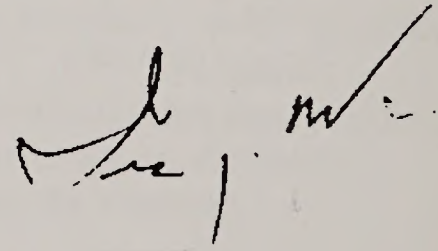
Sir:

Much as I sympathize with the Indian need for an established homeland, I think this can be done without taking away the uniqueness of Saline Valley and hot springs as a public entity. SV-01  
Avoid development of modern tourist amenities!

For many years, this particular area within the Death Valley region has been open to anyone willing to accept the rustic facilities and open character of Saline Valley. It is a distinctive area quite apart from the wall to wall camping of such places as Furnace Creek and I would hope that it can retain its distinctive, if primitive character. Development of facilities and a "modern look" will only encumber the area with heavy visitation and fees and turn it into a kind of modern supermarket parking lot. Please leave Saline V. alone. The people who visit there over the past years have done a marvelous job of caring for the springs and keeping the area pristine. Crowds will not improve the situation, only ruin the whole area.

The Home-lands idea can be implanted without further development ~~of~~ Saline Valley into a small Disneyland. It is a unique area and should not be used as a turnstile for gathering tolls.

Sincerely,



IRA J. WINN  
3346 BARRANCA CT  
SAN LUIS OBISPO  
CALIFORNIA 93401

(805) 781-9466



JUL 14

July 12, 1990

To The Superintendent  
 Death Valley National Park  
 Death Valley CA 92328

re: Permanent Homeland for The Timbisha Shoshone People

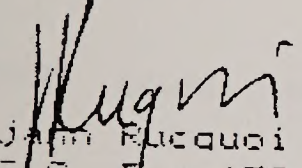
Dear Sir;

I am adding my voice to those supporting the transfer of 314 acres at Furnace Creek, traditional use of an adjacent 1,000 acres of mesquite groves and the designation of a section within the Park as the Timbisha Shoshone Natural and Cultural Preservation Area.

I also recommend the adoption of the proposal to transfer 7,200 acres of land currently managed by the Bureau of Land Management including approximately 1,640 acres in California and 5,680 acres in Nevada. I would like to see the establishment of cooperative agreements between the Bureau of Land Management and the Tribe.

I trust that this plan for a permanent home for the Timbisha Shoshone Tribe will be approved and implemented in its entirety.

Sincerely,

  
 John Bucquoy  
 P.O. Box 152  
 Tecopa, Ca 92389

4.2 INDEX BY LEIS  
LETTER NUMBER

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3.0 PUBLIC COMMENT  
RESPONSES

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4.1 INDEX BY AUTHOR



Author: eva@evaseay.com at np--internet

Date: 07/16/2000 9:08 AM

Normal

TO: DEVA Superintendent at NP-DEVA

Subject: deadline drawing near

----- Message Contents

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01 E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date. P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20. E2-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.



I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. E2-07

Respectfully,

Eva Seay  
11730 McPeak Rd  
Forestville, CA 95436

{Your name}  
{Your postal address}



Author: "Peg O'Malley" <peggraphix@softcom.net> at np--internet

Date: 07/16/2000 1:38 PM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: spa@majorproduction.net at NP--INTERNET,

"Senator Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,

"Senator Dianne Feinstein" <senator@feinstein.senate.gov> at NP--INTERNET,

"Senator Barbara Boxer" <senator@boxer.senate.gov> at NP--INTERNET

Subject: Request for Additional Extension, Timbisha LEIS

----- Message Contents

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

As a 30+ year visitor to the Saline Valley-Death Valley area, I would like to express my concern to the proposed Timbisha Homeland legislation. The broad and precedent-setting implications of this proposed legislation will have far-reaching results and could change the way that public lands are used and governed in perpetuity. This legislation, if passed, will be based largely upon faulty and erroneous data, substituted in lieu of a proper Environmental Impact Statement. The LEIS upon which this legislation relies was prepared in only five months, contains numerous errors and omissions, and relies on woefully insufficient and scientifically suspect documentation. P1-01 E1D-02

The need for a complete review and, in all probability, a new LEIS is painfully obvious in light of the long-range impact of this legislative decision. Has anyone seriously considered what will happen once governance of this land within a National Park is given over to what is essentially a sovereign nation? Platitudes and promises are fine during the negotiating process, but once the land is transferred permanently into the jurisdiction of the Timbisha Shoshone, is there really any guarantee that these promises will be kept and that the use of the land will not be radically altered? M1-03

Considering that in the 20+ years that I have been visiting Saline Valley, I have seen only two Native Americans at the springs (surly young women from Bishop who were rude and unpleasant to other visitors at the soaks), the claim of the tribe to the site on the grounds of historical and ceremonial use seems a bit ingenuous. Given some of the negative and judgmental statements made recently by Timbisha representatives about visitors to the hot springs, it would be reasonable to assume that the adversarial attitude projected by these two women could be a prediction of things to come. This is not what a National Park that is meant to provide a refuge and recreation for all citizens should be encouraging. HU-04

A few of the more egregious errors in the published document, provided for public review are:

\* The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-05

\* The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public on the Internet until considerably P4-06



later than that date.

\* The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. P2-07

\* The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, June 20, 2000. P4-08

\* The Inyo County Board of Supervisors has asked for a 30-day extension. These Supervisors are elected representatives of a county that will suffer a heavy impact from the consequences of the Timbisha Bill. As such, their request should be honored and given special priority. E2-09  
The Park Service's proposed 10-day extension is meaningless in light of the scope of the problem. This action appears to be only a brief pause in a much larger game plan to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the full and long-range implications of these documents. A brief 10-day extension does not allow time to substantially address the public's need to research the many inconsistencies and erroneous statements in the LEIS.

I ask for a complete and critical review of this LEIS. I further request that a 60-day extension of the public comment period be granted. E2-10

Respectfully,

Peg O'Malley  
13465 Mahogany Drive  
Reno, Nevada 89511-9272

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June 26, 2000 To Dick Martin:

We believe that regarding the LEIS for the TIMISHA Homeland transfer that many public comments were ignored. We wish to reiterate that we oppose Senate Bill S.2012 making its way through Congress. "Co-management" in this area should include the public will. E1H-01

Here are some points:

\*A longer period of extension for the comment period is needed, we feel, to insure all public comment regarding this HUGE document. Something as important should not be railroaded past the American public. E2-02

\*The LEIS is geographically inaccurate. The owners of some parcels in question were not contracted during the writing of the LEIS. We are informed that Marilyn Moyer is not willing to sell and others perhaps not sell either. We are unclear whether the area discussed will be 750,000 acres or a closer estimate of 1.5 million acres. The land descriptions appears inaccurate. E1D-03 IR-04 E1G-05

\*The LEIS contains conflicting statements:

p. 14 "The level of use envisioned to be residential at approximately the same level that has existed in the past. In addition there may be a small joint NPS/Tribal office for visitor information and resource management for eh Saline Valley portion of the Park E1D-06

p. 93 "Limited economic activities are anticipated at the Rancheria parcels"

p. 95 "Specific land uses are not identified for the Indian Rancheria parcels"

p. 97 "No specific development is anticipated at the Indian Rancheria"

These statements are unclear and misleading as to the purposes at the Rancheria, about 10 miles from the spring as the crow flies.

\*Historical claims to the springs seem poorly documented and uses unclear..... HU-07

P. 16

"The tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated with the springs."

Is it the above situation or.....

"The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the Tribe to the area. The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs."

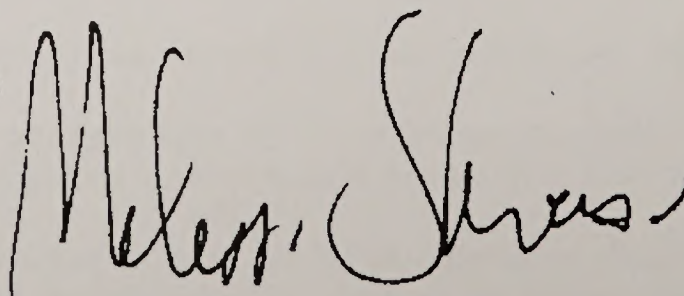
"We question whether proper water studies have been done on Centennial Flat and the impact of the proposed Rancheria. W2-08

We wish to maintain the public use of the springs. We feel a developed Rancheria near this fragile area will impact the many things about the area that should remain as they are. The work done for the cleanliness and upkeep by volunteers there speaks plainly for the desires of those who most USE the springs today. There are many instances of indian tribes, how in their treaties with the governments insisted on the free and public use of the healing waters on certain lands. This special resource in our country should not be given control so lightly.

Melissa and Tim Stevenson 2988 Buhach Rd., Merced, Ca 95340 209 358 0660

c:

Senator Boxer  
Senator Feinstein  
SPA





## LEIS-108

July 17, 2000

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

P1-01

E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

E1G-03

P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

E2-06

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

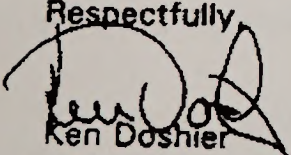
These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted.

E2-07

Respectfully

  
Ken Doshier

3738 Linwood Pl.  
Riverside, CA 92506



Dick Martin  
 Superintendent  
 Death Valley National Park  
 PO Box 579  
 Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01 E1D-02

To illustrate my concern, according to Mr. Essington, your Mining Engineer, the Amfac water rights at Furnace Creek are incorrectly described on page 38 of the LEIS. He said that the figure of

2,064 cubic feet per second was a "typo," and the correct number should be 2.064 cubic feet. Mr. Essington also confirmed that the last part of

Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-03 E1G-04

These two very serious errors in the LEIS reinforce my previous perception that it is a severely defective document.

I hereby request that a further 60 day extension of the comment period be granted. Perhaps the responsible agencies can be a bit more proactive in notifying the public of other "typos" that are seriously misrepresenting the facts. E2-05

Respectfully,

*Karen Olsen Ramsey  
 20491 Woodpecker Ravine  
 Grass Valley, Ca 95945*



# LEIS-110

July 15, 2000

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

P1-01

E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

E2-06

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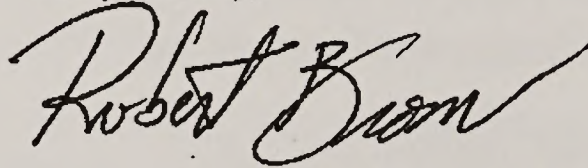
Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. E2-07

Respectfully,

A handwritten signature in black ink, appearing to read "Robert Brom". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert Brom  
9757 Valparaiso Dr.  
Desert Hot Springs, CA  
92240



P.O. Box 448  
 Death Valley, CA 92328  
 July 30, 2000

Richard H. Martin, Superintendent  
 Death Valley National Park  
 P.O. Box 579  
 Death Valley, CA 92328

Re: Public comment on Draft Legislative Environmental Impact  
 Statement, Timbisha Shoshone Homeland

Superintendent Martin:

After reading the Draft LEIS and Appendices for the Timbisha Shoshone Homeland, I find that I am in agreement with many of the goals of the Tribe but am troubled by two aspects of the proposal.

First, I don't feel enough information has been provided to justify the transfer of BLM land at Centennial to the Tribe. Appendix S of the LEIS states "Centennial is an important location at the western edge of the Tribe's ancestral lands in view of Hunter Mountain, a sacred site and traditional hunting and camping area. A sacred relationship exists between Hunter Mountain and the Valley floors below." I interpret this as meaning that Hunter Mountain is the important location. The development by the NPS and the Tribe of a jointly established management plan for Hunter Mountain is already provided for in the proposed Timbisha Shoshone Natural and Cultural Preservation Area. C-01

If the Tribe's goal is to protect the site because of its view of Hunter Mountain, then perhaps a cooperative agreement with the BLM would be sufficient. If the parcel is important to the Tribe for its suitability as a residential area, then one must note that the availability of water is limited (LEIS Appendices I and R). If the parcel is to have economic development, then what sort of enterprise is envisioned that would be consistent with tribal purposes and values and not derogatory to the site? HM-02

Nothing prevents members of the Tribe from visiting this area now, and should they desire special consideration for traditional uses of this land, then special arrangements could be made with the BLM as part of a cooperative use agreement. With the information currently available to the public, I don't feel transfer of this land is justified.

The second item of the proposal that concerns me is the transfer of land at Furnace Creek. On principle, I object to adding to the amount of developed land within Death Valley (or any other) National Park. The LEIS indicates that within the DV-03

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proposed 314 acre Furnace Creek parcel, the Tribe intends to build up to 50 residences, Tribal governance and meeting facilities, and an inn of approximately 45 rooms with attendant restaurant and retail facility. This plan is intended to meet the goals of providing Tribal members with a community, adequate governance facilities, and economic opportunities.

While I recognize the need for guest services within the Park, I don't believe, nor does LEIS provide supporting information for, the notion that more such facilities are needed. Should the need arise, Amfac Parks and Resorts has space to expand guest facilities on land that has already been taken out of its natural state.

Further, the "Tribal Needs Assessment & Socio- Economic Profile" (Appendix T of the LEIS) listed 9 job categories that unemployed members of the Tribe would want. Since the jobs desired do not coincide with the majority of jobs created by an inn/retail/restaurant facility, it can be postulated that non-tribal labor will be used and that additional housing for this labor must be provided for. One should note that though approximately 300 resort related jobs exist at Furnace Creek Inn and Ranch Resort, not one is currently held by a Tribal member.

The proposed development at the Furnace Creek parcel conceivably would accommodate 169 Tribal members (50 residences with 3.38 people per residence [3.38 figure from LEIS Appendix T]), 90 guests (45 room inn with two people to a room), and 45 non-tribe employees (reasonable estimate of how many employees a resort facility of that size would require assuming current level of interest by tribal members in resort work). A development accommodating 300 people in the middle of Death Valley is not insignificant, is not necessary, and, I believe inappropriate.

SE-04

I have stated that on principle I am against further development in the Park. Let me provide an example of one reason I am against it using text from the NPS's own resource management policy .

Appendix N of the LEIS discounts the impact on visual resources of proposed development at the Furnace Creek parcel. Yet within the same Appendix appears this language:

The natural and cultural resource management objectives of NPS are to maintain, preserve, interpret, and perpetuate the aesthetic setting...of Death Valley National Park in such a manner as to...prevent, eliminate or reduce artificial lighting and noise in order to preserve the opportunity to experience the night sky and stillness of the desert.

On a moonless night, from many vantage points within a mile of Furnace Creek Inn or Furnace Creek Ranch, one can observe the ill effect on dark skies of outdoor area lighting. On a

NS-05



night when the flood lit tennis courts are being used, one can observe shadows being cast by these lights over a mile away from their source. Granted, the Amfac holdings are beyond the reach of NPS regulation, but does it seem likely that the proposed Timbisha development would improve the situation?

I would like to propose that the planned Furnace Creek development be moved outside the Park to the Scotty's Junction parcel. All the planned goals for the Furnace Creek parcel could be met at the Scotty's Junction parcel. This would be consistent with the findings of the Natural Resources Consulting Engineers memorandum prepared for the Timbisha Shoshone Tribe (LEIS Appendix I):

Because this is the only outlying parcel having ground water in sufficient quantity to support significant development, it is anticipated that the majority of housing and economic development will occur at this location...

Development at the Scotty's Junction parcel would also be consistent with Visual Resource Management policies of the BLM (Class IV area [LEIS Appendix N]).

Further, because the Scotty's Junction parcel is outside the Park and would be considered as part of the initial reservation of an Indian tribe, there would be no restriction on gaming at this site. Gaming is clearly seen by the Tribe as a means of providing economic advancement (comments in LEIS Appendix D, text in LEIS Appendix S).

Should the Scotty's Junction parcel be adopted as the seat of the tribal community, the current 40 acre Furnace Creek parcel, which was forced upon the tribe by the government in the 1930's, could be abandoned and the site allowed to return to its natural state.

Expanded interpretation of the Timbisha Shoshone Tribe's history in Death Valley and partnering of the Tribe with the NPS in natural and cultural resource protection (both excellent ideas) would not be precluded by the foregoing of the Furnace Creek parcel. A local (Furnace Creek area) presence for the Tribe could be achieved through a tribal field office, perhaps in conjunction with a tribal museum, located adjacent to the current NPS Visitor Center. This would have the advantage of consolidating visitor information in one area.

Lastly, I would like to take this opportunity to ask a few questions. I don't know if they go beyond the scope of what you are able to answer but I will ask nonetheless.

1) Are tribal businesses on tribal land exempt from state and/or federal income taxes?

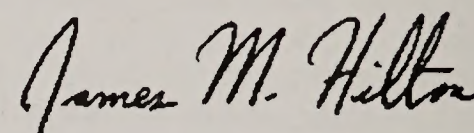
2) Is the income received by tribal members who work for tribal



businesses on tribal lands subject to state and/or federal SE-10  
income taxes?

- 3) Is the income received by non-tribal members who work for SE-11  
tribal businesses on tribal lands subject to state and/or  
federal income taxes?
- 4) Are tribal businesses on tribal lands exempt from collecting SE-12  
local sales taxes and hotel room taxes?
- 5) What policing arrangements will be made on reservation lands? MI-13
- 6) What are the anticipated purchase prices for the Lida Ranch IR-14  
and Indian Rancheria parcels?

Sincerely,



James M. Hilton



**DEPARTMENT OF FISH AND GAME**

Inland Deserts-Eastern Sierra Region  
Bishop Field Office  
407 W. Line Street  
Bishop, CA 93514  
(760) 872-1171



July 17, 2000

Mr. Richard Martin, Superintendent  
Death Valley National Park  
Post Office Box 579  
Death Valley, CA 92328

**Draft Legislative Environmental Impact Statement  
Timbisha Shoshone Homeland  
Death Valley National Park**

Dear Mr. Martin,

The Department of Fish and Game (DFG) has reviewed the Draft Legislative Environmental Impact Statement (DLEIS) for the Timbisha Shoshone Homeland. The Proposed Action is to establish a permanent tribal land base and related cooperative activities within the Timbisha Shoshone Tribe's ancestral homeland. The Proposed Action is to transfer approximately 7,500 acres of land from the Bureau of Land Management (BLM) and National Park Service (NPS) to the Tribe, and to purchase two parcels of land from private owners. The Proposed Action also directs the NPS, BLM, U. S. Fish and Wildlife Service (USFWS) and the Tribe to negotiate and enter into cooperative agreements for tribal access to and use of certain lands. The authority to manage these lands shall be retained by the respective agencies.

The Department is providing comments on this DLEIS as the state agency which has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish & Game Code section 711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish & Game Code section 1802). The Department's fish and wildlife management functions are implemented through its administration and enforcement of the Fish and Game Code (Fish & Game Code Section 702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. Sec. 15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

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Mr. Richard Martin  
July 17, 2000  
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Species and habitats potentially affected by the Proposed Action include desert bighorn sheep (State Fully Protected), Mohave ground squirrel (State Threatened), desert tortoise (State and Federal Threatened), Amargosa nitriphila (State and Federal Endangered), various upland birds and mammals, aquatic invertebrates, and riparian habitats. We have the following comments for your consideration:

1) Page 14, Indian Rancheria. The map referred to in this section (Map 9) is of too large a scale to accurately determine the location of this parcel. The Department owns property in Saline Valley which is managed as an Ecological Reserve. Saline Valley Ecological Reserve was acquired and is managed for its aquatic and wetland values. Any future development near the Reserve which could affect spring flow and associated wetland and wildlife habitat values is of concern to the Department. The Final LEIS should contain a smaller scale map showing the location of the property in relation to the Ecological Reserve. The Department also respectfully requests that the Tribe consult with us when considering any future development of water resources which could affect wildlife habitats on the Ecological Reserve. E1D-01

2) Pages 35-51, Water Resources. This section is incomplete because it does not include a discussion of the importance of these water resources to fish, wildlife and plant species found within the project boundaries. In this arid region, water sources such as springs and associated wetlands are critical to the maintenance of wildlife species. Many species are dependent upon water sources found on and adjacent to the parcels proposed for transfer. This section should be revised in the Final LEIS to include a discussion of the importance of these water sources to sensitive wildlife species, in particular desert bighorn sheep, riparian and wetland dependent birds, amphibians, reptiles, aquatic invertebrates, and sensitive plants. E1D-02

3) Page 66, Methodology. Botanical field surveys were conducted during the inappropriate time of year to compile an accurate inventory of plants in the area. Field surveys should be conducted in the spring when all species are visible and flowering in order to properly identify all species, especially sensitive plant species. Project sites should be re-surveyed during the appropriate time of year, using DFG-approved plant survey guidelines (attached). E1D-03

4) Page 74, Wildlife. Again, field surveys should be conducted during the appropriate time of year. Many species are not present or active during January-February when surveys were conducted for this project. Desert tortoise surveys should be conducted at the Death Valley Junction site. Tortoise surveys should be conducted using standardized protocol. We request that resulting tortoise field survey data be provided to this office. Focused Mohave ground squirrel surveys should be conducted at the Centennial site. These surveys should be conducted when these species are active, typically later in the spring. Riparian bird surveys should also be conducted later in the spring. WL-04



Mr. Richard Martin  
July 17, 2000  
Page 3

5) Page 79, Lida Community Parcel. It is likely that the mines on the parcel support populations of Townsend's big-eared bat, *Corynorhinus townsendii*, rather than spotted bat. Spotted bats roost high in cliff faces and forage over meadow and riparian area. Townsend's big-eared bats roost in caves and cave analogs such as abandoned mines. Townsend's big-eared bat populations have declined dramatically over the last 40 years due to habitat loss and disturbance during maternity season and hibernation. The Department respectfully requests that the Tribe work with the appropriate state and federal agencies once the land transfer has been completed, to survey the mines using qualified bat biologists, and to protect maternity or hibernation sites, by gating or other means. WL-05

6) Page 83, Mohave ground squirrel. A recent Mohave ground squirrel record for northern Panamint Valley does exist, from February, 2000. E1D-06

7) Page 89, Death Valley Junction. The Department is concerned with the potential impact of future development in this region on Amargosa nitrifolia, a State and Federal Endangered plant species. This species is found in California in the dry river channel of the Amargosa River, and adjacent to hot springs in the Tecopa area. Additional populations exist in Nevada, including Ash Meadows. The Amargosa River populations could be affected by groundwater withdrawal in the area, if the withdrawal affects the groundwater hydrology of the Amargosa River. Impacts could also occur if alterations occur to the drainage channels of the river, which could change the surface hydrology. The Tribe should work cooperatively with the USFWS to ensure that impacts to this population do not occur. DVJ-07

8) Page 89, Centennial. The Department is also concerned with the potential impact to Black Rock Springs, and any other springs located in the Coso Range which could be affected by groundwater withdrawal on the Centennial parcel. These springs are very important to migratory and resident songbirds and upland birds and mammals. We request an opportunity to work with the Tribe on any future development proposals which could affect the health of the springs in the northern Coso Range. C-08

9) Page 101, Centennial. Projects on private land in California which may result in the take of habitat for state listed species require an Incidental Take Permit pursuant to Section 2081 of the Fish and Game Code. Because the Tribe may not be required by law to obtain a 2081 permit for projects on tribal lands, we request that the Tribe work with the Department when proposing development of the Centennial parcel, in order to avoid or mitigate the take of Mohave ground squirrels or their habitat. The same holds true for desert tortoise at the Death Valley Junction parcel.

The Department would also like the opportunity to comment on any specific project that will take place in or in the vicinity of a river, stream, lake, or any surface water feature. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. The project

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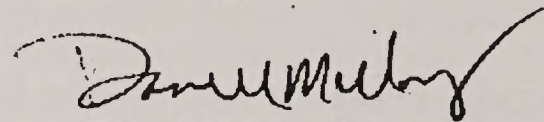


Mr. Richard Martin  
July 17, 2000  
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description should contain a discussion of potential adverse impacts from any change in flow, vegetation removal, sedimentation, soil erosion, and/or pollutants on streams and watercourses on or near the project site, with mitigation measures proposed to alleviate such impacts. The Department could then suggest ways to lessen the impacts to fish and wildlife resources and their associated habitats.

Thank you for the opportunity to comment on the proposed project. If you have any additional questions, please call Ms. Denyse Racine, Environmental Specialist III, at (760) 872-1158.

Sincerely,



Darrell M. Wong, Supervisor  
Habitat Conservation Program

Attachment

cc: D. Racine  
J. Drongesen



State of California  
THE RESOURCES AGENCY  
Department of Fish and Game  
May 4, 1984

GUIDELINES FOR ASSESSING EFFECTS OF PROPOSED  
DEVELOPMENTS ON RARE AND ENDANGERED PLANTS AND PLANT COMMUNITIES

The following recommendations are intended to help those who prepare and review environmental documents determine when a botanical survey is needed, who should be considered qualified to conduct such surveys, how field surveys should be conducted, and what information should be contained in the survey report.

1. Botanical surveys that are conducted to determine the environmental effects of a proposed development should be directed to all rare and endangered plants and plant communities. Rare and endangered plants are not necessarily limited to those species which have been "listed" by state and federal agencies but should include any species that, based on all available data, can be shown to be rare and/or endangered under the following definitions.

A species, subspecies or variety of plant is "endangered" when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition or disease. A plant is "rare" when, although not presently threatened with extinction, the species, subspecies or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens.

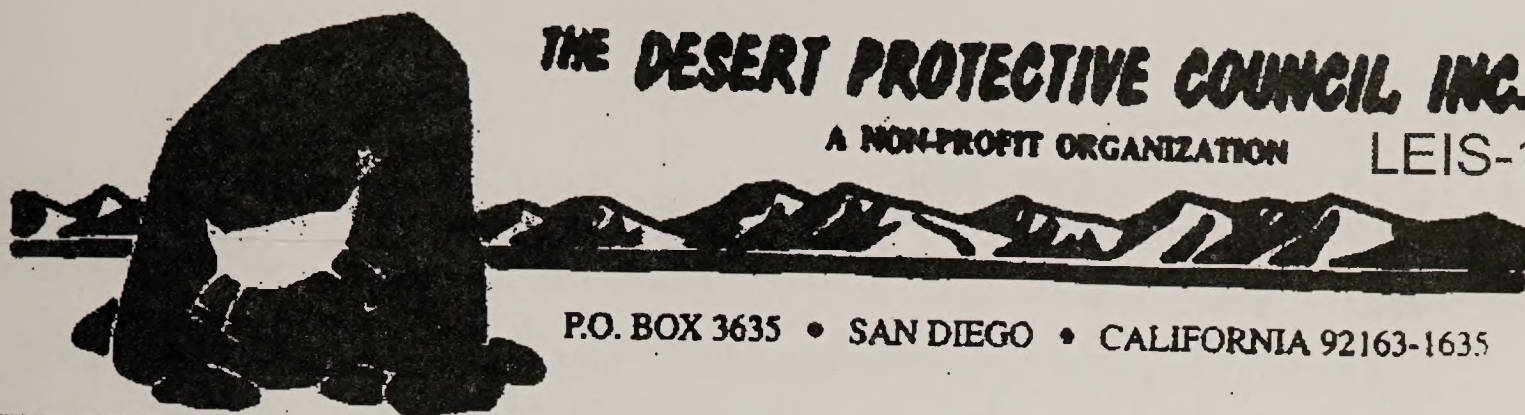
Rare plant communities are those communities that are of highly limited distribution. These communities may or may not contain rare or endangered species. The most current version of the California Natural Diversity Data Base's Outline of Terrestrial Communities in California may be used as a guide to the names of communities.

2. It is appropriate to conduct a botanical field survey to determine if, or the extent that, rare plants will be affected by a proposed project when:
  - a. Based on an initial biological assessment, it appears that the project may damage potential rare plant habitat;
  - b. Rare plants have historically been identified on the project site, but adequate information for impact assessment is lacking; or
  - c. No initial biological assessment has been conducted and it is unknown whether or not rare plants or their habitat exists on the site.
3. Botanical consultants should be selected on the basis of possession of the following qualifications (in order of importance):
  - a. Experience as a botanical field investigator with experience in field sampling design and field methods;
  - b. Taxonomic experience and a knowledge of plant ecology;
  - c. Familiarity with the plants of the area, including rare species; and
  - d. Familiarity with the appropriate state and federal statutes related to rare plants and plant collecting.
4. Field surveys should be conducted in a manner that will locate any rare or endangered species that may be present. Specifically, rare or endangered plant surveys should be:
  - a. Conducted at the proper time of year when rare or endangered species are both "evident" and identifiable. Field surveys should be scheduled (1) to coincide with known flowering periods, and/or (2) during periods of phenological development that are necessary to identify the plant species of concern.
  - b. Floristic in nature. "Predictive surveys" (which predict the occurrence of rare species based on the occurrence of habitat or other physical features rather than actual field inspection) should be reserved for ecological studies, not for impact assessment. Every species noted in the field should be identified to the extent necessary to determine whether it is rare or endangered.



- c. Conducted in a manner that is consistent with conservation ethics. Collections of rare or suspected rare species (voucher specimens) should be made only when such actions would not jeopardize the continued existence of the population and in accordance with applicable state and federal permit regulations. Voucher specimens should be deposited at recognized public herbaria for future reference. Photography should be used to document plant identification and habitat whenever possible, but especially when the population cannot withstand collection of voucher specimens.
  - d. Conducted using systematic field techniques in all habitats of the site to ensure a reasonably thorough coverage of potential impact areas.
  - e. Well documented. When a rare or endangered plant (or rare plant community) is located, a California Native Species (or Community) Field Survey Form or equivalent written form should be completed and submitted to the Natural Diversity Data Base.
5. Reports of botanical field surveys should be included in or with environmental assessments, negative declarations, EIR's and EIS's, and should contain the following information:
- a. Project description, including a detailed map of the project location and study area.
  - b. A written description of biological setting referencing the community nomenclature used, and a vegetation map.
  - c. Detailed description of survey methodology.
  - d. Dates of field surveys.
  - e. Results of survey (including detailed maps).
  - f. An assessment of potential impacts.
  - g. Discussion of the importance of rare plant populations with consideration of nearby populations and total species distribution.
  - h. Recommended mitigation measures to reduce or avoid impacts.
  - i. List of all species identified.
  - j. Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms.
  - k. Name of field investigator(s).
  - l. References cited, persons contacted, herbaria visited, and disposition of voucher specimens.





DESERT PROTECTIVE COUNCIL  
ADVISORY PANEL

SYLVIA BROADBENT  
Professor of Anthropology

GEORGE W. COX  
Conservation Ecologist

PETE DANGERMOND  
Park Consultant

MARY DEDECKER  
Botanist

BETTY FORGEY  
Desert Tourism Advisor

MICHAEL FROME  
Author

AUGUST FRUGE  
Conservationist

LARRY HENRIK  
Wilderness Advocate

WILBUR MATHEW  
Professor of Zoology

ART MONTANA  
Professor of Earth Sciences

ALLAN MUTH  
Biologist

KAREN SAUSMAN  
State Park Director

ROBERT STERNING  
Herpetologist

LEONARD VINCENT  
Professor of Biology

FRANK WHEAT  
Attorney

HOWARD WILSHIRE  
Geologist

July 22, 2000

The Honorable Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

Re: Timbisha Shoshone Homeland

Dear Sir,

THE Desert Protective Council (DPC) is a desert-oriented, national membership organization. It is reluctant to comment on the Draft Legislative Environmental Statement (DLEIS), per se, because it appears to justify an unprecedented action by Congress. See Title VII, Miscellaneous Provisions, Section 705. Public Law 103-433.

Comments on the DLEIS:

The DLEIS, in and of itself, is a document that is deeply flawed. In many sections it is inadequate, incomplete and internally conflicting. Examples include, but are not limited to, water, wildlife and access by the general public. The list of topics omitted from consideration is questionable and, probably, actionable. E1D-01

Additional information is needed, such as:

- details on the method for establishing values on lands to be transferred to the Tribe, E1H-02
- a clearer delineation of water rights, allocations, plans for perpetual water for wildlife, especially pup fish, Ash Meadows, etc., E1H-03
- a list of all agreements and MOUs with the Tribe and Death Valley National Park, E1H-04
- provisions for public review of audits, monitoring and progress reports, etc., E1H-05
- a specific time table and responsible person/agency for every item designated as "future", E1H-06
- provisions to permit/allow the public to track the status of project. E1H-07

Summary:

DPC recommends that a Supplemental Draft LEIS be prepared and published for review. E1H-08

The DPC respectfully requests that it receive, in a timely manner, all documents and notices relative to the Timbisha Shoshone Homeland Project.

*Douglas W. Allen*  
Douglas W. Allen, President

*To safeguard for wise and reverent use by this and succeeding generations those desert areas of unique scenic, scientific, historical, spiritual and recreational value, and, to educate children and adults to a better understanding of the deserts.*



1/23/00

Dick Martin Superintendent Death Valley National Park,

I am writing to say to you (and other interested parties) that I am against turning over control of any parkland to the Timbisha Tribe. I am especially concerned about areas actively visited by the general public for recreational purposes. National parks should benefit everyone.

The draft LEIS was not detailed enough - vast impacts were glossed over or ignored. A Full EIS is needed to examine the impacts. The desert is a very fragile environment. National parks were created to protect the resources. ~~More people and the associated residential and commercial development will have~~ a negative impact on the natural environment. Water is the most scarce and precious resource and any additional development to support people living and visiting the area is bound to impact the water supply. Plants and wildlife will be impacted.

Public parkland should remain under public agency control to protect the land and the living organisms.

I am particularly concerned about the ~~prospect~~ prospect of the Saline Valley area having

P1-01

SV-02



a "greater tribal presence" and a "pilot demonstration... management project of the Springs". Saline Valley is a special place to many people and as a part of the DUNP is currently managed and open to anyone to visit and enjoy. It seems to me that no one small special interest group should be given even joint control over an area that belongs to all of us free of any special charges to visit it. Free of any "development" which could include upgrading the road-building structures and imposing their "cultural values" on people visiting OUR PUBLIC LAND.

As you can probably tell by my ~~letters~~ ~~letter~~ I am ~~strongly opposed~~ ~~strongly~~ ~~opposed~~ ~~strongly~~ turning over designated National Park land to the Timbisha Tribe or any other SPECIAL INTEREST GROUP!!

Our PUBLIC LANDS should be open to everyone and the resources on the land should remain under National Park Service protection.

Thank you for your consideration,

cc: Senators Boxer & Feinstein,  
& Inouye

Loro Paterson  
Star Rte 2 Box 316  
La Honda, CA  
94020





## Ancient Ways Acupuncture Center

22 Belle Avenue  
San Anselmo, CA 94960

JOSEPH ODOM L. Ac.  
(415) 258-9551  
STEVEN FINKBINE L. Ac.  
(415) 454-6901

Office of the Superintendent  
Death Valley National Park  
Death Valley, California

July 14, 2000

Dear Superintendent Martin;

I wish to comment on the proposed Timbisha homeland legislation. Please find enclosed the copy of the letter I sent on June 10, 1999. The legal issues raised in that letter were ignored by your office in the initial review. These issues are still valid and I will attempt to express them in a more succinct manner in this letter, I will send this registered mail to insure that your office receives it.

2.2.1.3.2

### Saline Valley Springs

*"The tribe no longer uses the springs because current visitor use is incompatible with tribal values associated with the springs"*

1. Neither the tribe nor the NPS has established the springs were ever used by the tribe. This is to request the documentation to establish that allegation. HU-01
2. ~~This is to request exactly what "tribal values" are incompatible with the peaceful meditative use~~ HU-02  
to which the springs are subjected to by current recreational users. In the many years that I have enjoyed the springs I have never seen any peaceful person of any race denied access.

*"The tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs"*

1. To take a public asset that has been in long term common use, and give management of that public asset to a private group based upon race is illegal under federal civil rights statutes, especially if said management denies use of the asset to people based on the races of the individuals involved. MI-03

I sincerely hope that Mr. Martin reconsiders this outrageous and illegal proposal. To continue this course will lead only to unnecessary and lengthy legal battles, which I am sure no one wants. I also sincerely hope that this letter receives more consideration than the last one I sent.

Dr. Joseph Odom, OMD & Karen Lynn, CPA. 98 Porteous Ave. Fairfax, Ca 94930

enc. 1

cc. Senator Diane Feinstein, SPA Committee





## Ancient Ways Acupuncture Center

22 Belle Avenue  
San Anselmo, CA 94960

JOSEPH ODOM L. Ac.  
(415) 258-9551  
STEVEN FINKBINE L. Ac.  
(415) 454-6901

June 10, 1999

Dick Martin, Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, Ca. 92328

Dear Superintendent Martin;

This is to comment on the "Timbisha Shoshone Tribal Homeland" draft proposal.

My wife and I have enjoyed use of Saline Hot Springs since 1987. In those twelve years we have camped, hiked and generally enjoyed this area on average of three times a year. We have come to know this area as more than just a "camp place" for us it is a place we come to heal and pray and feel closer to nature, some of the exact reasons that our National Park System exists. We have been made to feel part of a community of like minded people, people who care for and use this area with great respect. We have witnessed marriages, been present for births and have scattered the ashes of our departed and respected elders, it is hallowed ground for us. I have left instructions with my loved ones that, when the time comes, some of my ashes are to be scattered at this place.

A plan, such as the proposed "Tribal Homeland Draft" would grant preemptive use of this area to one group of people exclusively, and must be objected to in the strongest terms. This plan if implemented would take a National assets which is currently available for all citizens and give management and control of it's use to a small group of individuals. This is especially disturbing given that the fact that this control would be based on race. We are either one tribe one nation working together for the common good or we splinter off and divide land that has been united. This is a National Park we are talking about here, native peoples already enjoy, as they should, special rights and privileges here. To give management rights to one group because of accident of birth i.e. race, is fundamentally wrong and must be protested. We request that you resist dividing a common asset for reasons of race. We have great sympathy for the cause of native people everywhere, and have Native American blood ourselves. Our belief is that we all are inheritors of this earth and are one tribe one people. Thinking of human life any other way causes disharmony.



We respectfully request that the comment period for this unfortunate plan be extended to sixty days from the fifteen days ending 6/15/1999.

We respectfully request a full EIR be completed before any decision is even considered, this is required under NEPA, the EIR should consider and not be limited to the following;

How will the proposed commercial development "sale of traditional Timbisha Arts & Crafts" and tourist development impact the following;

1. Water resources
2. Road development and upkeep
3. Endangered species and wildlife habitat including the California Desert Tortoise
4. Cumulative impact of development on a fragile ecosystem and geology

Questions of law enforcement, and impact on local communities and Inyo County have not been adequately addressed. It is my understanding that these are the kinds of issues which should be addressed by: DEVA Advisory Commission, the BLM Advisory Commission, and officials of Inyo County, and the Saline Valley Preservation Association (of which we are members) in a time frame longer than three weeks.

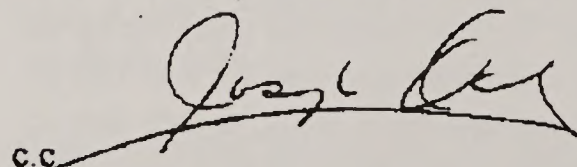
On every trip to Saline, Karen and I, support the local economy with "tourist dollars" in restaurants, shops, inns and service stations of Inyo County, this has gone on for twelve years, without free access to the springs there would be no reason for us to visit Owens Valley.

Native people everywhere emphasize that this is a time for all people to work together as one tribe one people. We welcome use of the springs by all people who respect the land including all members of the Timbisha Shoshone, Piute and every other tribe, as it has been in the historic past.

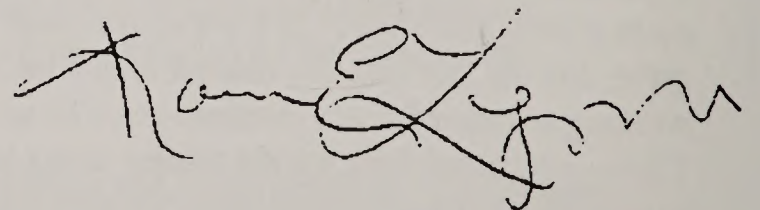
Sincerely,

DR. Joseph Odom, OMD., L.Ac. &  
98 Porteous Ave. Fairfax, Ca 94930

Karen E. Lynn, CPA



c.c.  
Senator Diane Feinstein  
Inyo County Supervisor, Mike Dorame  
SPA Committeeman, Sam Merk





LEIS-116

Fred Dickson  
7699 Reclamation Rd.  
Petaluma, CA 94954  
July 14, 2K

Mr. Dick Martin  
Death Valley National Park

Dear Superintendent Martin

I am concerned that no  
Environment Impact Statement was  
used to evaluate the impact of the  
Timbisha Shoshone Tribal Homeland  
proposal. The Legislative EIR and  
pending Congressional legislation, SB  
2012, provide no safeguards for  
continuing public access to Saline  
Valley Warm Springs. Public use for  
all people should be absolutely  
guaranteed by Death Valley National  
Park.

P1-01

Sincerely

Fred Dickson

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



July 18, 2000

Mr. Dick Martin, Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

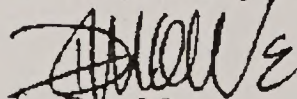
This letter is to express my concern over the apparent attempt to rush the Timbisha Homeland Legislation through Congress based only on a poorly prepared and insufficiently documented Legislative Environmental Impact Statement. E1D-01

I'm sure my concerns only echo those expressed at public hearings and in written submissions. It baffles me why you would rush such a bill through the legislature without taking the time to examine the implications fully unless there is some kind of a hidden agenda. It is my understanding that even the consultants who prepared this LEIS admitted at a public meeting in Lone Pine CA that a LEIS normally takes about 24 months to prepare; yet this one was ready in only 5 months. It's not a wonder that there are missing appendices, poor documentation and numerous errors.

The LEIS sets out joint management schemes between National Park Authorities and the Timbisha Band when the General Management Plan (GMP) has not even been issued yet. This seems like putting the cart before the horse. How can the public comment on this bill properly when it only knows part of the story? I feel that this legislation should be postponed until the GMP has been issued. P2-02

If you are not willing to do this, at the very least I urge you to give this very flawed LEIS a complete and careful review and part of that process involves **public input**. A 10 day extension strikes me as a tacit admission of error without really offering a sincere solution. I am requesting that the extension be changed to 60 days. This is precedent-setting stuff and as such it should be examined carefully, accurately and all-inclusively before this bill becomes legislated. In the real world we do our homework before writing the test. Let's get busy and do our homework first! E2-03

Respectfully yours,



Don Moore  
114 McKeen Drive  
Keswick Ridge NB Canada E6L 1N9

c.c. Saline Preservation Association (SPA)



From: Frank Dobos <frdobos@earthlink.net>  
Date: Sunday, July 23, 2000 16:57  
Subject: Fw:

LEIS-118

—Original Message—

From: Frank Dobos <frdobos@earthlink.net>  
Date: Sunday, July 23, 2000 15:41

Dick Martin Superintendent, Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS  
Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

The Draft LEIS was entered into the Federal Register on May 12, 2000.

but was not available to the public through the internet until some time after

The General Management Plan (GMP) for the Park has not yet been issued

Without this, the public is not able to adequately comment on this proposal.

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension.

They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted.

Respectfully,

Frank Dobos  
802 Frontenac Ave.  
Los Angeles, CA 90065-3954

*Frank Dobos*



LEIS-119



DR. PAUL D. SCHUMAKER  
LIEUTENANT COLONEL  
UNITED STATES ARMY

19 July 2000

Superintendent Dick Martin  
Death Valley National Park  
P O. Box 579  
Death Valley, CA 92328

I am writing to express my concern about the Legislative Environmental Impact Statement (LEIS) on the Timbisha Shoshone Tribal Homeland Report. I believe there should be an extension of the comment period since the public was not notified in a timely manner. There are many concerns about superimposing what amounts to an Indian Reservation on half of Death Valley National Park. M1-02 E2-01

I have visited and camped in the Saline Valley since 1989. It is rugged, potentially dangerous, inspiring and fragile. Only people who are prepared and self-reliant should attempt a visit. I have watched the changes from BLM management to NPS management and they have been positive. Signs has been improved and now clearly spell out the dangers. Vault toilets at the warm springs deal well with increasing usage. Burros have been relocated. NPS Ranger Patrols, in their white and green HUMMV, have made for a safer environment. And the Saline Preservation Association (SPA) has organized volunteers for trash cleanup.

I am concerned that the Timbisha claim is poorly documented and that the work by anthropologist Catherine Fowler is not available to the public. I am concerned that proposed uses are vague and that there are no safeguards to protect continuing public access to this area. I am concerned about whether the LEIS is geographically accurate and whether it covers 750,000 acres or 1.5 million acres. I am concerned about the absence of water studies and the lack of a plant and wildlife inventory. HU-03 M1-04 E1D-05 W2-06

This rapidly prepared and deceptively vague LEIS should be rejected. The transfer of Federal land into the Natural and Cultural Preservation Area should be halted. The Timbisha Shoshone do have a legitimate need for some land, and also an economic boost, and the NPS should use its current authority to reach cooperative agreements with the tribe for specific sites. But they should not be given co-management authority over half of a National Park. The NPS has a responsibility to the entire public and should not manage DVNP according to the wishes of the tribe. The angry contempt of the tribal chairperson for non-Indians demonstrates that she is not an acceptable co-manager with the NPS of such a large area of public land. M1-07

I oppose Senate Bill S2012 as it is currently written. National lands belong to all the people. The NPS should continue its normal management of the Saline Valley and continue its site management plan for the warm springs.

cc: Representative Royce  
Senator Feinstein  
Senator Boxer  
Senator Inouye  
Saline Preservation Association

*Paul D. Schumaker*  
Paul D. Schumaker, D.D.S.  
1045 Verona Drive  
Fullerton, CA 92835  
paulschumaker@hotmail.com



## LEIS-120

Dick martin  
Superintendent  
Death Valley national Park  
P.O. Box 579  
Death Valley, ca. 92328

Re: Request for Additional Extension, Timbisha LEIS

7/19/2000

Dear Mr. Martin,

I would like to express my concern to the proposed Timbisha Homeland legislation.

Over the last 28 years, I have visited the saline warm springs many times, and have returned to the everyday malaise of society feeling rejuvenated in mind and spirit. There are not many remote paradises left to the individual seeking solitude and beauty, and the warm springs are such a place.

When the National Park service took over the responsibility for the warm springs area from the BLM, I recall the service-guaranteeing fair and sound management practices for all involved, including the family like community that had a strong attachment to the springs area. Is this deception the standard form of diplomacy the Park service adheres to? Why is the National Park service so hell bent on transferring this retreat from the many Americans to the few who will be able to restrict or refuse access to all those who have for years enjoyed the springs and surrounding areas, and for all generations to come? A 30-day extension for review of this invasive legislation, as requested by the Inyo County Supervisors is not unreasonable.

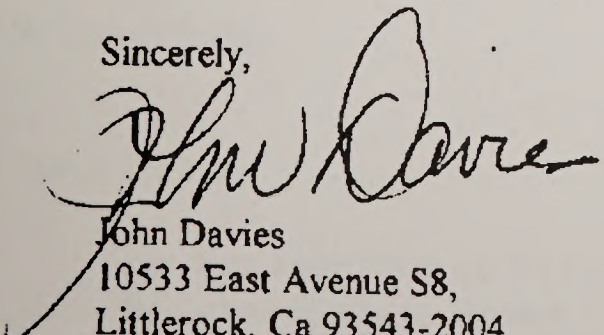
M1-01

I have noticed the majority of respondents to this legislation believe that by appeasement of what's right, they will be able to sway your predetermined disposition regarding this transfer of national heritage from all Americans, to a few. I personally do not believe that I or any other concerned respondents will receive a fair and impartial decision on this legislation. The full speed ahead and dam the torpedoes mentality by the Park Service borders on malfeasance.

I alone accept responsibility for my words and If you believe that my apprehension of those who say "Trust me, I'm here to help you", is unfounded, please contact me at area code 661-944-4290, or you may write a response to my return address listed below. If you are unable to write or call, a 30-day extension will do.

E2-02

Sincerely,

  
John Davies  
10533 East Avenue S8,  
Little Rock, Ca 93543-2004

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
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4.0 INDICES

4.1 INDEX BY AUTHOR



Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents that could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01 E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date. P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20. P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored. E2-07

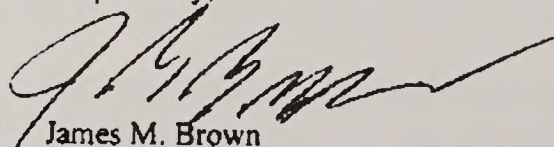
Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60-day extension of the comment period be granted. E2-08

Respectfully,

  
James M. Brown



John Dukes - PO Box 1221, Ridgecrest, CA 93556-1221  
1-760-375-8281 e-mail: [jd@solutionsunlimited.com](mailto:jd@solutionsunlimited.com)

LEIS-122

Dick Martin, Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

July 16, 2000

Re: Request for Additional Extension, Timbisha LEIS  
re: Senate bill S.2102

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. The need for a complete review and probably a new LEIS is obvious.

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I ask for at least a complete review of this LEIS. I further request that a 60 day extension of the comment period be granted.

Respectfully,

John Dukes

cc: Senator Dianne Feinstein  
Senator Barbara Boxer  
Bill Thomas (R) 21st Dist.



7/18/2000

DICK MARTIN, SUPT  
DEATH VALLEY NATL PARK

PAGE 1 of 2

DEAR SUPT MARTIN:

I AM COMMENTING ON THE LEIS ON  
THE TIMBASHA SHOSHONE TRIBAL HOMELAND  
REPORT ISSUED MAY 12, 2000

I COMMENTED ON THE ORIGINAL REPORT  
AND AS AN INTERESTED PARTY RECEIVED THE  
LEIS BUT ONLY VOL. 1. THEREFORE VOL 1  
IS ALL I CAN COMMENT ON.

YOU RECEIVED HUNDREDS OF LETTERS FROM  
THE PUBLIC OPPOSING ANY TYPE OF "CO-OPERATIVE"  
IE. OUTSIDE MANAGEMENT FOR DVNP BY THE  
TIMBASHA TRIBE. YOU HAVE APPARENTLY  
CHOSEN TO IGNORE THIS MASSIVE OPPOSITION  
BY THE PUBLIC.

M1-01

YOU SEEM TO BE DETERMINED TO  
EVADE YOUR MANAGEMENT RESPONSIBILITIES  
FOR DVNP.

THE LEIS IS NOT AN EIS. IT IS A SHAM



DICK MARTIN

7/18/2000

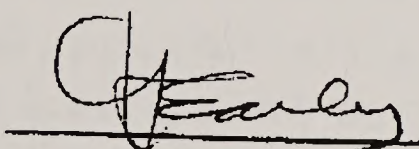
DATE

PAGE 2 of 2

PERHAPS THE FORTHCOMING Supplemental P1-02  
DRAFT EIS MANAGEMENT PLAN WILL BE A  
REAL EIS & WILL ADEQUATELY COVER  
THIS AS WELL AS OTHER MATTERS

IF NOT, THE TIMBASHA MATTER WILL  
REQUIRE A FULL SEPARATE MEANINGFUL EIS

PLEASE STOP IGNORING PUBLIC  
INPUT & EVADING your MANAGEMENT  
RESPONSIBILITIES.

  
GEORGE EARLY  
3774 PIONEER PL  
SAN DIEGO  
CALIF. 92103

CC: CONCERNED SENATORS



July 18, 2000

LEIS-124

Page 1 of 2

Dick Martin  
Superintendent  
Death Valley National Park  
Furnace Creek, CA 92328

Re: LEIS on the Timbisha Shoshone Tribal Homeland Report

Dear Mr. Martin,

The Legislative Environmental Impact Statement on P1-01  
the Timbisha Shoshone Tribal Homeland Report issued on May 14,  
2000 bypasses the original intent of the Timbisha Homeland  
Report. What is your purpose in changing the rules? Was  
not this Timbisha Homeland report supposed to be followed  
with a Draft Environmental Impact Statement (DEIS)  
and then a Final Environmental Impact Statement (FEIS),  
which would be considered for legislative action?

Is the process being twisted around so that concerned  
citizens are denied their legal rights to participate  
in the process?

Hundreds, possibly thousands of letters have been  
ignored because judgement calls by you or your staff  
have been made to delete them from your presentation  
to Congress. Were those judgement calls made to hide  
comments that did not support the recommendations of  
the Park Service?

Why did we receive only Volume I of this LEIS? E1A-02  
What happened to Volume II? How can our comments be  
pertinent if we do not have all the information on which to comment.

In order to allow the full Public Comment required by E2-03  
law for this LEIS, more time must be allowed for the public to  
obtain the necessary information (i.e. both volumes of the LEIS)  
required to comment. So, extend the comment period, in order



Page 2 of 2

to allow the Public time to review  
the General ~~manate~~ Management Plan  
for the Death Valley National Park along  
side both volumes of the LEIS.

Once again, we, the Public, are being  
treated in a Devious manner, so that we  
cannot participate in this process.

Very truly  
Frances Wolff  
Frances Wolff  
4019 Goldfinch #157  
San Diego, CA 92103

Copies of this letter have been sent  
to concerned members of Congress.



Dick Martin-Superintendent  
Death Valley National Park  
Post Office Box 579  
Death Valley, Ca. 92328

July 19, 2000

Dear Superintendent Martin,

I am writing regarding Senate Bill S.2012, which proposes to transfer 7,200 acres of BLM land to the Timbisha Shoshone Tribe, and the creation of a "Natural and Cultural Preservation Area," in Death Valley National Park, which would encompass almost half of the park area.

The current deadline for comments on this bill is August 1, 2000. The Legislative Environmental Impact Statement (LEIS) was issued May 12, 2000, and is incomplete, vague, and makes contradictory statements. It is not an Environmental Impact Statement, which would be more comprehensive and requires specific information as to land use, water surveys, etc. On July 12, 2000, I received a letter from the Dept. of the Interior informing me that the information regarding water rights was missing from the original proposal packet, and that I could access it by visiting a BLM office or Death Valley National Park headquarters. It's hard to comment on something you can't access readily.

P1-01

P4-02

The LEIS proposes "co-management" between the Timbisha Tribe and the National Park Service on almost 1.5 million acres of Death Valley National Park, yet no mention is made of continued public access to those areas already available.

M1-03

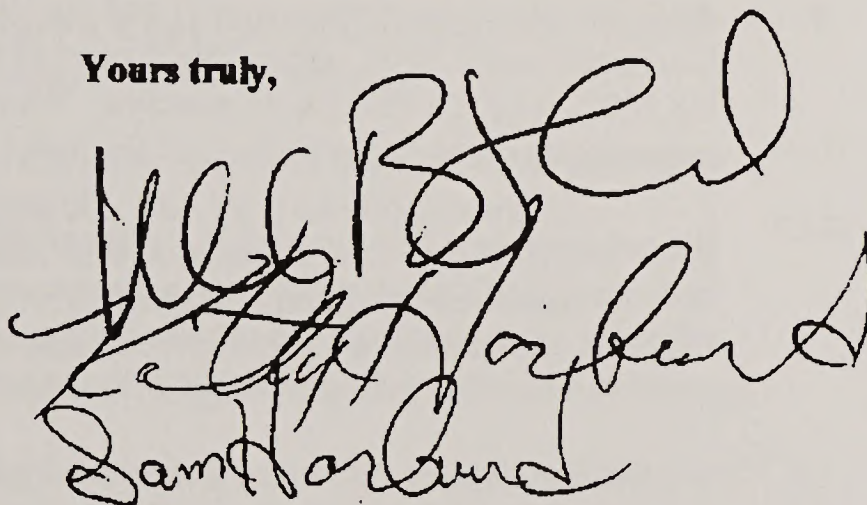


Descriptions of proposed land use by the Timbisha are ambiguous, and at times  
contradictory, and too, historical claims by the tribe cannot be documented. E1D-04  
HU-05

It is necessary to extend the comment period at least 30 days beyond July 22, E2-06  
2000 to allow the public to make their feelings known. The original information  
given to us was incomplete, and the LEIS does not adequately address important  
details about water and land use that will impact all future visitors to these areas.  
In fact, until the revised General Management Plan for Death Valley National Park P2-07  
is issued later this summer, I can't see how the LEIS can be evaluated properly.

Senate Bill S.2102 needs examination, clarification, and serious amending  
before the rights of all who like to visit our parks and enjoy nature are protected.

Yours truly,



Michael, Kathy and Sam Horbund  
1336 Palms Blvd.  
Venice, Ca. 90291

cc: Senator Barbara Boxer  
Senator Dianne Feinstein  
Representative Henry Waxman





P.O. Box 184, Trona, Ca. 93592  
(760)372-5755

Superintendent  
Death Valley National Park  
P. O. Box 579  
Death Valley, Ca. 92328

July 20, 2000  
Re: Timbisha  
Homeland

Dear Sir or Madam,

Trona is located in the north western corner of San Bernardino County. Our Post Office and most of our businesses are in San Bernardino County, however our community extends into Inyo County with quite a few residences and a few of our member businesses being located in Inyo County.

It has been brought to our attention that the plan for the Timbisha Shoshone Indians Homeland could adversely affect these businesses and residents. For that reason, we are writing at this late date. We have been given volume 1 and 2 of the "Draft Legislative Environmental Impact Statement" April, 2000. and a "draft" copy of Inyo County Board of Supervisors Resolution No.2000 - 41, with "Exhibit A" attached. We have studied these documents and our Chamber unanimously supports the findings of the Inyo County Board of Supervisors.

We are concerned that the Inyo Co. property tax structure will be greatly changed by an increase SE-01  
in demand for County services and a decrease in income to Inyo County if this plan is approved  
without more planning. We are also very concerned about the water, or lack of water, for our W1-02  
member businesses and our neighbors to the north, especially in Darwin.

We feel that there are too many unanswered questions for an informed decision to be made at this  
time. For this reason we are requesting that you grant at least another 90 days during which time E2-03  
some of these unanswered questions should be answered.

Thank you for your consideration,  
THE TRONA CHAMBER of COMMERCE

Rena Hines, Secretary

cc: Congressman Jerry Lewis,  
Inyo County Board of Supervisors,  
E-Mail to DEVA Superintendent@nps.gov



## LEIS-127

July 14, 2000

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months and contains numerous errors, as well as insufficient documentation.

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. The Draft LEIS was entered into the Federal Register on May 12, 2000 but was not available to the public through the internet until some time after that date.

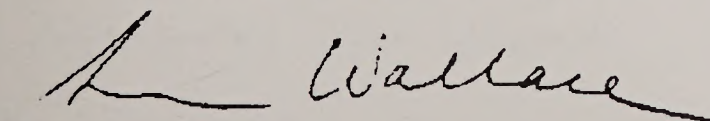
The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20/00. The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill and their request should be honored. Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS. I further request that a 90 day extension of the comment period be granted.

Thank you for your consideration in this matter.



Sue Wallace  
4909 Stockdale Hwy. #266  
Bakersfield, CA 93309

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



## LEIS-128

July 17, 2000

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months and contains numerous errors, as well as insufficient documentation. The need for a complete review and probably a new LEIS is obvious. P1-01 E1D-02

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. The Draft LEIS was entered into the Federal Register on May 12, 2000 but was not available to the public through the internet until some time after that date. E1G-03 P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20/00. The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill and their request should be honored. Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS. P4-06 E2-07

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS. I further request that a 90 day extension of the comment period be granted. E2-08

Thank you for your consideration in this matter.

*Jill Adams*

Jill Adams  
3116 Barnett Street  
Bakersfield, CA 93308



LEIS-129

Donald Finch  
708 Ginger Ave  
Ridgecrest, CA 93555

Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley, CA 92328

20 July 2011

Dear Superintendent,

Thank you for taking the time to review public comments on the Timbisha Shoshone Land proposal. I would like to express my concern regarding water issues in the Centennial area. Specifically the possible effects on those nearby springs, Lower Centennial, upper Centennial and Black Springs. To my knowledge it has not been made clear that extraction of water in the amounts the proposed dwellings could use would not have an effect on water flows at these three springs. Any cessation of water flow at these springs caused by depletion of the Centennial aquifer would result in the loss of a valuable source of water for surrounding middle life populations. I would also like to restate my original comment that any land under consideration for transfer to the Indians should be confined to areas inside the National Park.

In closing I would like to thank you for forwarding the draft EIS and other information regarding this issue.

Sincerely,  
Donald Finch



M. Mitchell  
P.O. Box 4837  
Pahrump, NV 89041

7/20/00

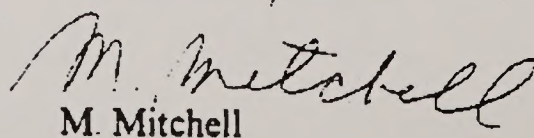
Superintendent  
Death Valley National Park Service  
POB 579  
Death Valley, Calif. 92328

Dear Sir:

We have spoken to Joan DeGraff and Ahmed Mohsen about our concerns. I am with a group of people in Pahrump concerned about the history of our area. We have seen three different maps of the Death Valley Junction area regarding the land transfer of BLM land to the Timbisha Shoshone tribe of Death Valley. We are most assuredly in favor of this land transfer, but have questions about certain boundaries.

This is in regards to Map 2 in the "Draft Legislative Environmental Impact Statement". E1D-01  
One map shows the transfer part to be slightly south of Hwy. 190 at the junction of Hwy. 127. Another map shows the transfer part to include the cemetery at the far bottom, right hand side of the map, next to Hwy. 127. The large map that you had on the wall at the various public meetings, dated April 12, 2000, showed the transfer part to go down the center of Hwy. 190 at the junction of Hwy. 127, and to end just above the railroad grade crossing, so that it would not include either the railroad grade nor the cemetery in the transfer portion. We are in agreement with the boundaries of this map. Ahmed assured me that the information on the April 12 wall map was the correct information and that the transfer would not include any privately owned lands in the Death Valley Junction portion of this project. We believe that private citizens own the land just immediately south of Hwy. 190 at the junction, and the land at the cemetery and these lands should remain in the control of these citizens. Ahmed advised us to write to you so that our concerns would be a part of the evaluation process for this land transfer. Would you please see that these boundary issues are addressed and that the correct information is included in the transfer? Thank you.

Sincerely,

  
M. Mitchell



# Sam Greyson & Laurie Doyle

LEIS-131

2454 Prince Street ♦ Berkeley, California 94705  
Home Phone (510) 841 - 2892 ♦ Email samgreyson@earthlink.net

July 15, 2000

Dick Martin  
Superintendent  
Death Valley National Park  
P O Box 579  
Death Valley CA 92328

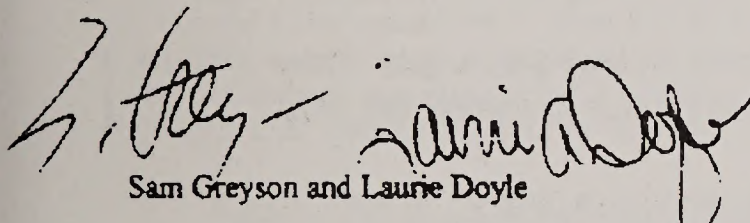
Re: Timbisha LEIS

Dear Mr. Martin,

We are writing to request an extension of the comment period for the Timbisha LEIS, beyond the ten days referred to in your recent letter. Having reviewed the LEIS it appears to have so many mistakes, confusing definitions and omissions that it will be impossible to adequately respond in the time currently permitted. E2-01

Our family has camped at and used the Saline Valley Springs for many years and volunteered labor and money to improve the springs area. Reading the LEIS it appears to us that the Saline Springs have been erroneously identified in the narrative portions and mislocated on the maps. E1D-02

These springs provide unique access to the desert for thousands of people every year. It is unfair to threaten our rights to continued use of this area with a sloppy and misleading LEIS. Moreover it appears that comments directed to you prior to the Draft on behalf of the thousands of people who use and have used the springs have been completely ignored in your draft. This process has raised doubts about the Park's ability to fairly implement and produce a LEIS. SC-03

  
Sam Greyson and Laurie Doyle

cc. Congressman Barbara Lee



Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching. Just by the number of groups concerned about the way this legislation is proceeding I believe that the process obviously needs re-study.

I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. It took many years for this situation to be created, sufficient time to study and analyze the alternatives and data is required for lasting decision that can be supported by the majority. E1D-01

The need for a complete review and probably a new LEIS is obvious.

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. P2-02

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20. The public should know their comments before final decisions are made. P4-03

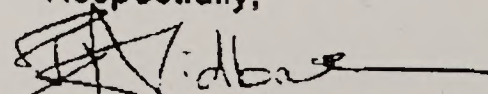
The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored. E2-04

Your proposed 10 day extension does not substantially address the public's need for adequate time to research the statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I request that at least a 60 day extension of the comment period be granted. E2-05

Respectfully,



Barbara Tidball  
3826 N. Weston Place  
Long Beach, CA 90807



## LEIS -133

Dick Martin Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. The need for a complete review and probably a new LEIS is obvious. P1-01 | E1D-02 |

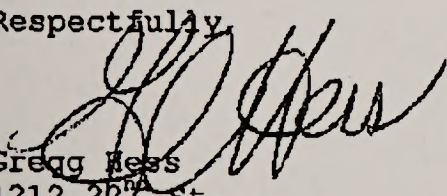
The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date. E1G-03 | P4-04 |

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20. The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored. Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS. These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents. P2-05 | P4-06 | E2-07 |

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. E2-08 |

Respectfully,

  
Gregg Hess  
1212 22<sup>nd</sup> St.  
Sacramento, Ca. 95816-4914

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LETTER NUMBER

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4.0 INDICES

4.1 INDEX BY AUTHOR



LEIS-134

July 18, 2000

1

19 2000

1040 Weber St.

Pomona CA 91768

Dear Superintendent Martin of Death Valley N.P.,

This is my third letter to you in three years expressing my desire that the Saline Valley Warm Springs continue to be open to the public and administered much as they were when Death Valley National Monument became a National Park in 1994<sup>P3-01</sup> and expanded to include the Saline Valley. It is not appropriate to convert part of any National Park<sup>P1-02</sup> into a Reservation. It is not appropriate to issue a Legislative Environmental Impact Statement when a true Environmental Impact Statement is what is necessary to serve the legislative process and, also, the Legislative Environmental Impact Statement cannot be evaluated because the<sup>P2-03</sup> General Management Plan of Death Valley N.P. is not yet issued. The Legislative Environmental



Impact Statement contains vague and inaccurate maps and false geographical descriptions and contains conflicting statements and does not document any Native's historical claim to the Saline Valley Warm Springs. I have been visiting the Saline Valley Warm Springs since April 1987 and I am also unable to document any Native's use of the Springs. I am concerned that the plants and animals of the so called Natural and Cultural Preservation Area have not been surveyed and inventoried and I am concerned that the water studies for this area are inaccurate and I am concerned that Inyo County, California (which is where most of Death Valley N.P. is) is not a party of the Legislative Environmental Impact Statement.

E1D-04

HU-05

E1D-06

W2-07

P4-08

Superintendent Martin: something smells bad in your Park and I request a thirty day extension for public comments on the Legislative Environmental Impact Statement on Senate Bill S. 2102 in

E2-09



order to correct all that is flawed. Thank you <sup>3</sup>

My Uncle Robert of San Juan Capistrano and  
I visited the Saline Valley Warm Springs the  
first weekend of December 1999 and we left a  
cash donation with the volunteer campground host  
for cleaning supplies.

Sincerely,

Donald F. Beck  
Donald F. Beck

cc. U.S. Senator Boxer  
U.S. Senator Feinstein  
U.S. Representative Miller



Joseph A. Blakely  
 Attorney at Law  
 1878 Magellan Drive  
 Oakland, CA 94611-2634

July 16, 2000

Dick Martin  
 Superintendent  
 Death Valley National Park  
 PO Box 579  
 Death Valley CA 92328

Re: Objections to Timbisha LEIS and Request for Additional Extension

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01 E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date. E1G-03

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. P2-04

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20. E2-05

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in

4.2 INDEX BY LEIS  
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the LEIS.

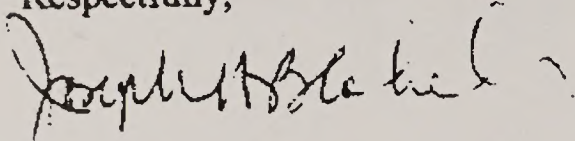
These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted.

E2-06

Respectfully,



Joseph A. Blakely,  
Attorney at Law



Julie Elizabeth Robinson  
PO Box 1221, Ridgecrest, CA 93556-1221  
Tel: 1-760-8281 Email: jr@solutionsunlimited.com

LEIS-136

Dick Martin, Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

July 16, 2000

9

Re: Request for Additional Extension, Timbisha LEIS  
re: Senate bill S.2102

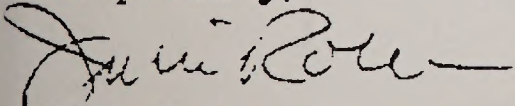
I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date. The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20. The Inyo County Board of supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored. Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS. These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS. I further request that a 60 day extension of the comment period be granted.

Respectfully,

  
Julie Robinson

cc: Senator Dianne Feinstein  
Senator Barbara Boxer  
Bill Thomas (R) 21st Dist.



## LEIS-137

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland  
legislation. This proposal has  
broad implications and sets precedents which could be far reaching, and  
is based largely upon a faulty  
substitution for a proper Environmental Impact Statement. I understand  
that the LEIS upon which this  
legislation relies was prepared in only five months, and contains  
numerous errors, as well as insufficient  
documentation.

P1-01

E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley  
National Park and proposed  
reservation sites for the Timbisha Shoshone," is missing from Volume 2  
of the LEIS.

E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000,  
but was not available to the public  
through the internet until some time after that date.

P4-04

The General Management Plan (GMP) for the Park has not yet been issued.

P2-05

Without this, the public is not  
able to adequately comment on this prX-Mozilla-Status: 0009unty Board of Supervisors was not made  
aware of the problems  
with the LEIS and the Timbisha  
Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension.  
They represent a county that  
stands to be heavily impacted by the Timbisha Bill, and their request  
should be honored.

E2-06

Your proposed 10 day extension is MEANINGLESS. It does not substantially  
address the public's need for  
adequate time to research the many inconsistencies and erroneous  
statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS



through Congress before the public  
becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be  
granted. E2-07

Respectfully,

*Marcus Robbins 7/16/2000*

Marcus Robbins  
4837 1/2 Kansas St.  
San Diego CA, 92116

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR

7/16/00 11:09 AM



LEIS-138

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

9

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01 E1D-02

To illustrate my concern, according to Mr. Essington, your Mining Engineer, the Amfac water rights at Furnace Creek are incorrectly described on page 38 of the LEIS. He said that the figure of E1G-03

2,064 cubic feet per second was a "typo," and the correct number should be 2.064 cubic feet. Mr. Essington also confirmed that the last part of

Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-04

These two very serious errors in the LEIS reinforce my previous perception that it is a severely defective document.

I hereby request that a further 60 day extension of the comment period be granted. Perhaps the responsible agencies can be a bit more proactive in notifying the public of other "typos" that are seriously misrepresenting the facts. E2-05

Respectfully,

*Ron Ramsy*  
20491 WOODPECKER RAUINE  
GRASS VALLEY, CA 95945



## LEIS-139

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

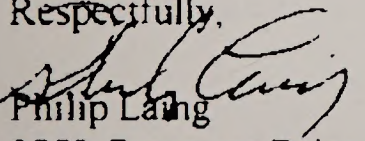
I would like to express my concern to the proposed Timbisha Homeland legislation. This P1-01  
proposal has broad implications and sets precedents which will be far reaching and affect the  
Park for generations to come. It is based largely upon a faulty substitution for a proper  
Environmental Impact Statement. I understand that the LEIS upon which this legislation relies  
was prepared in only five months, and contains many errors, and lacks proper documentation. E1D-02  
The need for a complete review and a proper Environmental Impact Statement is necessary for P1-03  
the long term interests of the Park .

The last part of Appendix E, "Overview of water rights, Death Valley National Park and E1G-04  
proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.  
The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to P4-05  
the public through the internet until some time after that date, and even worse, the General  
Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not P2-06  
able to adequately comment on this proposal. Furthermore, the Inyo County Board of Supervisors P4-07  
was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.  
Nine of Supervisors have asked for a 30 day extension. They represent a county that stands to be  
heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is inadequate. It does not substantially address the public's need  
for adequate time to research the many inconsistencies and erroneous statements in the LEIS.  
These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before  
the public becomes aware of the implications of these documents. The Park Service once again  
appears to have a "Public be damned" approach to the management of the National Parks. Just  
like the Park Service did in Los Alamos earlier this summer.

I ask for at least a complete review of this LEIS; and, I further request that a 60 day extension of E2-08  
the comment period be granted. There is no need to rush this bill through Congress for some  
political or monetary gain. Its much too important for the future of the Park to be rushing a  
flawed and erroneous plan that will result in disaster, much like NASA launching the Challenger  
when the engineers said "don't do it". NASA paid a heavy price for politics.

Respectfully,

  
Philip Lang  
9772 Creemore Drive  
Tujunga, CA 91042



Dick Martin  
 Superintendent  
 Death Valley National Park  
 PO Box 579  
 Death Valley CA 92328  
 Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal P1-01 has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS E1D-02 upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

The need for a complete review and probably a new LEIS is obvious. The last part of E1G-03 Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to P4-04 the public through the internet until some time after that date.

The General Management Plan (GMP) for the Park has not yet been issued. P2-05 Without this, the public is not able to adequately comment on this proposal.

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and P4-06 the Timbisha Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension.

They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request E2-07 should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS. These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents. E2-08

I ask for at least a complete review of this LEIS. I further request that a 60 day extension of the comment period be granted.

Respectfully,  
 Frank Dobos  
 602 Frontenac Ave  
 Los Angeles, CA 90065

>  
 ( )  
 >  
 >  
 >



Peg O'Malley  
13465 Mahogany Drive  
Reno, NV 89511

LEIS-141

July 16, 2000

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin

As a 30+ year visitor to the Saline Valley-Death Valley area, I would like to express my concern to the proposed Timbisha Homeland legislation. The broad and precedent-setting implications of this proposed legislation will have far-reaching results and could change the way that public lands are used and governed in perpetuity. This legislation, if passed, will be based largely upon faulty and erroneous data, substituted in lieu of a proper Environmental Impact Statement. The LEIS upon which this legislation relies was prepared in only five months, contains numerous errors and omissions, and relies on woefully insufficient and scientifically suspect documentation. P1-01 E1D-02

The need for a complete review and, in all probability, a new LEIS is painfully obvious in light of the long-range impact of this legislative decision. Has anyone seriously considered what will happen once governance of this land within a National Park is given over to what is essentially a sovereign nation? Platitudes and promises are fine during the negotiating process, but once the land is transferred permanently into the jurisdiction of the Timbisha Shoshone, is there really any guarantee that these promises will be kept and that the use of the land will not be radically altered? M1-03

A few of the more egregious errors in the published document, provided for public review are:

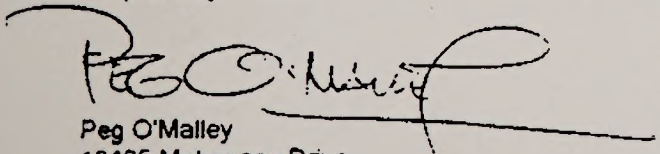
- ♦ The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-04
- ♦ The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public on the Internet until considerably later than that date. P4-05
- ♦ The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. P2-06
- ♦ The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, June 20, 2000. P4-07
- ♦ The Inyo County Board of Supervisors has asked for a 30-day extension. These Supervisors are elected representatives of a county that will suffer a heavy impact from the consequences of the Timbisha Bill. As such, their request should be honored and given special priority. E2-08

The claim made by the Timbisha tribe to the Saline Valley site on the grounds of "historical and ceremonial use" seems to me a bit ingenuous. In the 23 years that I have been visiting Saline Valley, I saw Native Americans at the springs on only one occasion, while I was doing field work with the U.S.G.S. Two surly young women, the guests of a couple of guys from Bishop, rebuffed all attempts by other visitors to be hospitable and were rude and unpleasant to everyone. Given some of the negative and judgmental statements made recently by Timbisha representatives about other visitors to the hot springs, it could be reasonable to assume that the adversarial attitude projected by those two women could be a prediction of things to come. This is not what a National Park, meant to provide a refuge and recreation equitably for all citizens, should be promoting. HU-09

The Park Service's proposed 10-day extension is meaningless in light of the scope of the problem. This action appears to be only a brief pause in a much larger game plan to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the full and long-range implications of these documents. A brief 10-day extension does not allow time to substantially address the public's need to research the many inconsistencies and erroneous statements in the LEIS.

I ask for a complete and critical review of this LEIS. I further request that a 60-day extension of the public comment period be granted. E2-10

Respectfully,

  
Peg O'Malley  
13465 Mahogany Drive  
Reno, Nevada 89511-9272



July 18, 2000

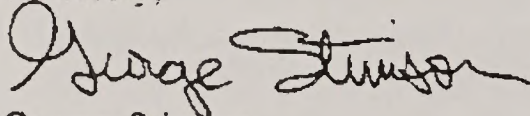
Office of the Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, California, 92328

Dear Superintendent Martin,

As a former resident of and frequent current visitor to Death Valley I have long been aware of the disadvantaged situation of the local Native Americans due to their lack of a permanent land base. The changes to this circumstance mandated by Section 705(b) of the 1994 Desert Protection Act will go a long way towards remedying this problem and will at long last give the Timbisha-Shoshone people a more proper and just position in the region that has been their homeland for generations.

I have read both the *Draft Secretarial Report to Congress to Establish a Permanent Tribal Land Base and Related Cooperative Activities* and the *Draft Legislative Environmental Impact Statement*. I saw nothing in either of these publications that should prevent the implementation of the homeland plan, and I think that the plan should be put into effect as soon as possible. It is long overdue.

Sincerely,



George Stimson  
P.O. Box 1521  
Hanford, CA 93232  
(559) 584-0335  
stgeo@kingsnet.com



LEIS-143

July 18, 80

JUL 20 1980



Brooks Hoar  
1215 Pembroke Ln  
Newport Beach, CA  
92660-4738

Sir:

Concerning the Saline Valley  
Hot Springs:

I believe that there are  
fewer than 400 Indians involved in  
any way with the future use of  
the area. They can't easily live  
there and would come and go by  
car if at all. I doubt if very  
many would do it more than  
once.

The "Spa," the hot springs  
mailing list, I believe has a  
circulation of over 1000.  
People come there from all over  
Europe.

The pools and planting was  
done by free individuals etc.



no government expense as  
for the maintenance,

Until the Park Service  
outhouse was installed, the  
govt was hardly involved at  
all. - (That outhouse STINKS  
down wind - some bacterial or  
chemical treatment should be  
supplied !!)

I feel that considering the  
the work & material and  
maintenance put in under the  
free enterprise system, and  
the large number of people  
who enjoy it, it would be  
wrong to destroy or curtail  
the current use of the  
springs.

Sincerely, Bruce

Bruce / Joe

Sorry about the handwriting  
I am 78 and my damn hands shake

SV-01



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Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Steve Harris  
12170 Blythen Way  
Oakland CA94619  
7/17/00

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

P1-01

E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

E2-07

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous



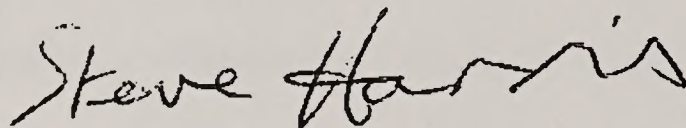
statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. E2-08

Respectfully,  
Steve Harris.

A handwritten signature in black ink that reads "Steve Harris". The signature is written in a cursive, slightly slanted style.



July 19, 2000

Mr. Dick Martin  
Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, California 92328

Subject: The Timbisha Shoshone Tribal Homeland

Dear Mr. Martin:

I am providing this letter to express to you my concerns regarding the proposed Timbisha Shoshone Tribal Homeland.

I am very much opposed to the process being used to promote the subject proposal and the broad implications associated with it. The proposal is based upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. The actions of those that support the proposal appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the negative implications of these documents and the proposal as a whole.

*The need for a complete review and a new LEIS is obvious.*

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

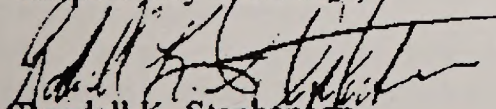
The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

In addition, the Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, June 20, 2000. The Inyo County Board of Supervisors has asked for a 30-day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

I ask for at a minimum, a complete review of this LEIS. I further request that a 60-day extension of the comment period be granted.

Respectfully submitted,

  
Randall K. Stephenson  
101 E. Woodrow St.  
Taft, CA 93268

cc: SPA

P1-01

E1D-02

E1G-03

P4-04

P2-05

P4-06

E2-07

E2-08



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/18/2000 10:19 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA  
 CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET  
 Subject: [Fwd: Letter of Protest]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Letter of Protest  
 Date: Tue, 27 Jun 2000 22:09:38 -0700  
 From: John Dukes <jd@solutionsunlimited.com>  
 To: spa@majorproduction.net

June 26, 2000

Bill Thomas (R) 21st Dist.



2208 Rayburn Office Bldg.  
Washington, D.C. 20515

Re: Senate Bill S.2102

Dear Representative Thomas:

We are writing you with our concerns because public input has basically been previously ignored by the Death Valley National Park Service.

We are against the passing of Senate Bill S. 2102 and request an inquiry into the proposed Timbisha Shoshone land transfer because the LEIS P1-01 bypasses many of the safeguards provided by the bypassed Environmental Impact Report. The LEIS has many discrepancies, contradictions, and false or undocumented assertions. Much of the environmental evaluation E1D-02 is ill-informed, incomplete and based on bad science. With such discrepancies we find it reasonable to have an inquiry and demand that these discrepancies, contradictions and false or undocumented assertions be looked at more closely and verified or corrected by reliable (documented) sources. Also disputed is the actual land which is involved. The inconsistencies prevail as seen in the most recent June E1D-03 19th News Release from the National Park Service (Tim Stone 760-786-3236) mentions a total of under 10,000 acreage being transferred (previous acreage is listed as 7500 acres or 750,000 acres. When looking at the poorly drawn maps in the back of the LEIS, it appears to be more like 1.5 million acres. Clearly, there are questions that need to be answered and documented more clearly. Neither the LEIS nor the pending Congressional legislation provides any safeguards to protect continuing access to these areas (specifically the M1-4 Saline Valley) by the large numbers of people from all over the world that currently regularly visit and maintain this area without cost to the public.

Further:

1. We request an extension beyond the August 1, 2000 deadline. It will E2-05 take time to compare the many false, conflicting and ambiguous statements in the LEIS Vol. 1 with documentation in Vol. 2 and to check the claims against independent and reliable sources.

2. The LEIS is geographically inaccurate. Geographic areas are E1G-06 inaccurately or vaguely described, or their location is not identified at all, as in the case of the "Indian Rancheria." The Tribe proposes to purchase two privately owned parcels in the Saline Valley designated as the "Indian Rancheria." The current owners of the parcels in question were not contacted during the writing of the LEIS. We understand at this time that neither owner wants to sell their parcels. The LEIS describes the Warm Springs as being adjacent to Indian Rancheria but in fact it is 7 miles across the desert.

3. The LEIS contains conflicting statements of purpose. For example, E1D-07 on p. 14, 93, 95 and 97, respectively, it makes the following statements about Indian Rancheria:

- a) ".the level of use is envisioned to be residential at approximately the same level that has existed in the past." Page 14
- b) "Limited economic activities are anticipated at the Rancheria parcels" page 93
- c) "Specific land uses are not identified for the Indian Rancheria parcels." page 95
- d) "No specific development is anticipated at the Indian Rancheria." page 97

These statements are made for an area which includes parcels that are privately owned and are NOT for sale. One also asks, were this to go



through, would this then set a precedent for other public/private lands in the United States?

4. Historical Claims Are Poorly Documented. The Timbisha claim that they have a history of using the Springs for healing and ceremonial purposes. The main document they cite, by anthropologist/contractor Catherine Fowler, is not available for examination by the public. Available historical sources do not document this claim by the Timbisha. p. 16 SALINE VALLEY SPRINGS "The Tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated with the springs. HU-08

"The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the Tribe to the area. The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs."

5. Flawed or Nonexistent Science. No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. Descriptions of plant communities at the Rancheria and the Springs are inaccurate and/or incomplete, and are treated as if the areas are identical. Anyone who is familiar with the Springs knows this to be entirely inaccurate. (See p. 67 INDIAN RANCHERIA.) E1D-09

6. Absence of Water Studies. Another troubling example of inadequate science is the absence of water studies on Centennial Flat, where pumping of groundwater may have an impact on the spring in the Cosos that supplies the town of Darwin via a 7-mile pipeline. This concern is dismissed in the LEIS with the following deceptive paragraph: p. 89 CENTENNIAL: "Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary). p. 89 CENTENNIAL "Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary). Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat. C-10

Geologic and hydrologic data do not support this assertion, but adverse effects on groundwater availability at Darwin cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality. Small-scale withdrawals associated with limited residential uses would not be expected to adversely affect supplies at Darwin." The problem with this paragraph is that there are no wells in Darwin, nor any groundwater! The "exploratory well" on Centennial Flat has not been pumped and it is unknown whether it will supply any water, or what impact withdrawals of water will have on wildlife, plants, the town of Darwin and other holders of water rights. Although Centennial Flat is not part of Saline Valley, the dishonest discussion of this parcel in the LEIS is strong evidence that the document is defective. E1G-11

We have covered a number of the items only briefly. There is an item by item documentation as to the inconsistencies and inaccuracies which can be supplied on request.

Thank you for your help.

John Dukes  
Julie E. Robinson



Box 1221  
Ridgecrest, California 93555

cc: Dick Martin: DVNP  
Senator Dianne Feinstein  
Senator Barbara Boxer

4.2 INDEX BY LEIS  
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John Dukes and Julie Elizabeth Robinson  
PO Box 1221, Ridgecrest, CA 93556-1221  
Tel: 1-760-8281 Email: jr@solutionsunlimited.com

LEIS-146A

June 26, 2000

Bill Thomas (R) 21st Dist.  
2208 Rayburn Office Bldg.  
Washington, D.C. 20515

Re: Senate Bill S.2102

Dear Representative Thomas:

We are writing you with our concerns because public input has basically been previously ignored by the Death Valley National Park Service.

We are against the passing of Senate Bill S. 2102 and request an inquiry into the proposed Timbisha Shoshone land transfer because the LEIS bypasses many of the safeguards provided by the bypassed Environmental Impact Report. The LEIS has many discrepancies, contradictions, and false or undocumented assertions. Much of the environmental evaluation is ill-informed, incomplete and based on bad science. With such discrepancies we find it reasonable to have an inquiry and demand that these discrepancies, contradictions and false or undocumented assertions be looked at more closely and verified or corrected by reliable (documented) sources. Also disputed is the actual land which is involved. The inconsistencies prevail as seen in the most recent June 19<sup>th</sup> News Release from the National Park Service (Tim Stone 760-786-3236) mentions a total of under 10,000 acreage being transferred (previous acreage is listed as 7500 acres or 750,000 acres. When looking at the poorly drawn maps in the back of the LEIS, it appears to be more like 1.5 million acres. Clearly, there are questions that need to be answered and documented more clearly.

Neither the LEIS nor the pending Congressional legislation provides any safeguards to protect continuing access to these areas (specifically the Saline Valley) by the large numbers of people from all over the world that currently regularly visit and maintain this area without cost to the public.

Further:

1. We request an extension beyond the August 1, 2000 deadline. It will take time to compare the many false, conflicting and ambiguous statements in the LEIS Vol. 1 with documentation in Vol. 2 and to check the claims against independent and reliable sources.
2. The LEIS is geographically inaccurate. Geographic areas are inaccurately or vaguely described, or their location is not identified at all, as in the case of the "Indian



Rancheria." The Tribe proposes to purchase two privately owned parcels in the Saline Valley designated as the "Indian Rancheria." The current owners of the parcels in question were not contacted during the writing of the LEIS. We understand at this time that neither owner wants to sell their parcels. The LEIS describes the Warm Springs as being adjacent to Indian Rancheria but in fact it is 7 miles across the desert.

3. The LEIS contains conflicting statements of purpose. For example, on p. 14, 93, 95 and 97, respectively, it makes the following statements about Indian Rancheria:
- a) "...the level of use is envisioned to be residential at approximately the same level that has existed in the past." Page 14
  - b) "Limited economic activities are anticipated at the Rancheria parcels" page 93
  - c) "Specific land uses are not identified for the Indian Rancheria parcels." page 95
  - d) "No specific development is anticipated at the Indian Rancheria." page 97

These statements are made for an area which includes parcels that are privately owned and are NOT for sale. One also asks, were this to go through, would this then set a precedent for other public/private lands in the United States?

4. **Historical Claims Are Poorly Documented.** The Timbisha claim that they have a history of using the Springs for healing and ceremonial purposes. The main document they cite, by anthropologist/contractor Catherine Fowler, is not available for examination by the public. Available historical sources do not document this claim by the Timbisha. p. 16 SALINE VALLEY SPRINGS "The Tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated with the springs."

"The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the Tribe to the area. The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs."

5. **Flawed or Nonexistent Science.** No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. Descriptions of plant communities at the Rancheria and the Springs are inaccurate and/or incomplete, and are treated as if the areas are identical. Anyone who is familiar with the Springs knows this to be entirely inaccurate. (See p. 67 INDIAN RANCHERIA.)

6. **Absence of Water Studies.** Another troubling example of inadequate science is the absence of water studies on Centennial Flat, where pumping of groundwater may have an impact on the spring in the Cosos that supplies the town of Darwin via a 7-mile pipeline. This concern is dismissed in the LEIS with the following deceptive paragraph: p. 89 CENTENNIAL: "Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north



*John Dukes and Julie Elizabeth Robinson*  
PO Box 1221, Ridgecrest, CA 93556-1221  
Tel: 1-760-8281 Email: jr@solutionsunlimited.com

of the parcel boundary). p. 89 CENTENNIAL "Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary). Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat. E1G-11 Geologic and hydrologic data do not support this assertion, but adverse effects on groundwater availability at Darwin cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality. Small-scale withdrawals associated with limited residential uses would not be expected to adversely affect supplies at Darwin." The problem with this paragraph is that there are no wells in Darwin, nor any groundwater! The "exploratory well" on Centennial Flat has not been pumped and it is unknown whether it will supply any water, or what impact withdrawals of water will have on wildlife, plants, the town of Darwin and other holders of water rights. Although Centennial Flat is not part of Saline Valley, the dishonest discussion of this parcel in the LEIS is strong evidence that the document is defective.

We have covered a number of the items only briefly. There is an item by item documentation as to the inconsistencies and inaccuracies which can be supplied on request.

Thank you for your help.

John Dukes  
Julie E. Robinson

cc: Dick Martin: DVNP  
Senator Dianne Feinstein  
Senator Barbara Boxer



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/18/2000 10:23 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmaill@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 brian.baird@mail.house.gov at NP--INTERNET

Subject: [Fwd: Re: Saline Valley News]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Re: Saline Valley News  
 Date: Sun, 02 Jul 2000 11:40:36 -0700  
 From: "Jim Osmundson" <josierra@gorge.net>  
 To: Saline Preservation Association <spa@majorproduction.net>

Dick Martin  
 Superintendent  
 Death Valley National Park  
 PO Box 579



Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. My experience with the area that you are superintendent for goes back 50 years now. At no time have I ever seen Native Americans in my travels north and south, east and west across the new considerable area of Death Valley National Park.

P1-01

You are aware of the Amfac water rights error and the fact that the proposed homeland issues/set asides for the Native Americans are missing from the legislation. My take on the situation is that the work that present users of the areas have done much to preserve and protect the areas in question while the Native Americans have done nothing.

I request that a longer extension of the comment period be granted perhaps at least 6 to 12 more months so that important corrected and missing information can be included in a revised form. It seems that too often the concessionaires and other groups not involved in protecting what our society holds in trust for future generations are given a free hand while the average citizen is ignored.

E2-02

My recent trip across and around Saline Valley, over Hunters Mountain and north, then south through Death Valley proper indicates that a great deal more care is needed to protect these lands. It appears that much has been lost and that we are the poorer for it.

Please keep me advised of proposed changes and forward copies of documents about this and other issues affecting one of my favorite parks.

Sincerely,

Jim Osmundson  
PO Box 1669  
White Salmon, WA 98672  
josierra@gorge.net



Author: John Dukes <jd@solutionsunlimited.com> at np--internet  
 Date: 07/18/2000 9:50 PM  
 Normal  
 TO: DEVA Superintendent at NP-DEVA  
 Subject: [Fwd: mail to forward]

## ----- Message Contents

>Date: Tue, 18 Jul 2000 11:00:17 -0700  
 >From: Saline Preservation Association <spa@majorproduction.net>  
 >X-Mailer: Mozilla 4.7 [en] (Win95; I)  
 >X-Accept-Language: en  
 >To: "John & Julie R. Dukes" <jd@solutionsunlimited.com>  
 >Subject: [Fwd: mail to forward]

## &gt;----- Original Message -----

>Subject: mail to forward  
 >Date: Mon, 17 Jul 2000 07:49:49 -0700  
 >From: Steve\_Werner@dot.ca.gov  
 >To: Saline Preservation Association <spa@majorproduction.net>

>Please forward this on, thanks

>Dick Martin  
 >Superintendent  
 >Death Valley National Park  
 >PO Box 579  
 >Death Valley CA 92328

>Re: Request for Additional Extension, Timbisha LEIS

>Dear Mr. Martin:

>I would like to express my concern to the proposed Timbisha Homeland  
 >legislation. This proposal has  
 >broad implications and sets precedents which could be far reaching, and  
 >is based largely upon a faulty  
 >substitution for a proper Environmental Impact Statement. I understand  
 >that the LEIS upon which this  
 >legislation relies was prepared in only five months, and contains  
 >numerous errors, as well as insufficient  
 >documentation.

P1-01

E1D-02

>The need for a complete review and probably a new LEIS is obvious.

>The last part of Appendix E, "Overview of water rights, Death Valley  
 >National Park and proposed  
 >reservation sites for the Timbisha Shoshone," is missing from Volume 2  
 >of the LEIS.

E1G-03

>The Draft LEIS was entered into the Federal Register on May 12, 2000,  
 >but was not available to the public  
 >through the internet until some time after that date.

P4-04

>The General Management Plan (GMP) for the Park has not yet been issued.  
 >Without this, the public is not  
 >able to adequately comment on this proposal.

P2-05



>The Inyo County Board of Supervisors was not made aware of the problem P4-06  
>with the LEIS and the Timbisha  
>Bill until Tuesday, 6/20.  
>  
>The Inyo County Board of Supervisors has asked for a 30 day extension. E2-07  
>They represent a county that  
>stands to be heavily impacted by the Timbisha Bill, and their request  
>should be honored.  
>  
>Your proposed 10 day extension is MEANINGLESS. It does not substantially  
>address the public's need for  
>adequate time to research the many inconsistencies and erroneous  
>statements in the LEIS.  
>  
>These actions appear to be attempts to rush the Timbisha Bill and LEIS  
>through Congress before the public  
>becomes aware of the implications of these documents.  
>  
>I ask for at least a complete review of this LEIS.  
>  
>I further request that a 60 day extension of the comment period be E2-08  
>granted.  
>  
>Respectfully,  
>  
>  
>Steve Werner  
>  
>558 Annahy  
>Fortuna, Ca 95540  
>  
>  
>



Author: "The Burkholders" <prmaniac@mindspring.com> at np--internet  
 Date: 07/18/2000 9:54 PM  
 Normal  
 TO: DEVA Superintendent at NP-DEVA  
 CC: <spa@majorproduction.net> at NP--INTERNET  
 Subject: LEIS

## ----- Message Contents

<!DOCTYPE HTML PUBLIC "-//W3C//DTD W3 HTML//EN">  
 <HTML>  
 <HEAD>

<META content=text/html; charset=iso-8859-1 http-equiv=Content-Type>  
 <META content="MSHTML 4.72.3110.7" name=GENERATOR>  
 </HEAD>

<BODY bgColor=#ffffff>  
 <DIV>Dick Martin<BR>Superintendent<BR>Death Valley National Park<BR>PO Box  
 579<BR>Death Valley CA 92328<BR><BR>Re: Request for Additional Extension,  
 Timbisha LEIS<BR><BR>Dear Mr. Martin:<BR><BR>I would like to express my concern P1-01  
 to the proposed Timbisha Homeland<BR>legislation. This proposal has<BR>broad  
 implications and sets precedents which could be far reaching, and<BR>is based  
 largely upon a faulty<BR>substitution for a proper Environmental Impact E1D-02  
 Statement. I understand<BR>that the LEIS upon which this<BR>legislation relies  
 was prepared in only five months, and contains<BR>numerous errors, as well as ;  
 insufficient<BR>documentation.<BR><BR>The need for a complete review and  
 probably a new LEIS is obvious.<BR><BR>The last part of Appendix E, E1G-03  
 "Overview of water rights, Death Valley<BR>National Park and  
 proposed<BR>reservation sites for the Timbisha Shoshone,&quot; is missing from  
 Volume 2<BR>of the LEIS.<BR>The Draft LEIS was entered into the Federal Register P4-04

on May 12, 2000,<BR>but was not available to the public<BR>through the internet  
 until some time after that date.<BR><BR>The General Management Plan (GMP) for P2-05  
 the Park has not yet been issued.<BR>Without this, the public is not<BR>able to  
 adequately comment on this proposal.<BR><BR>The Inyo County Board of Supervisors P4-06

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30 day extension.<BR>They represent a county that<BR>stands to be heavily  
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 Congress before the public<BR>becomes aware of the implications of these  
 documents.<BR><BR>I ask for at leastX-Mozilla-Status: 0009 this LEIS.<BR><BR>I E2-08  
 further request that a 60 day extension of the comment period  
 be<BR>granted.<BR><BR>Respectfully,</DIV>

<DIV><BR>&nbsp;</DIV>

<DIV><FONT color=#000000>Scott and Nastassja Burkholder</FONT></DIV>

<DIV><FONT color=#000000>4593 N. Isle Royale St. </FONT></DIV>

<DIV><FONT color=#000000>Moorpark, Ca 93021</FONT></DIV>

<DIV><FONT color=#000000>805-523-2282</FONT></DIV></BODY></HTML>



Author: "David E. Bybee" <HotSprings@compuserve.com> at np--internet

Date: 07/19/2000 5:14 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: Tom Ganner <ganner@iwvisp.com> at NP--INTERNET,  
SAM Merk <samiam@iwvisp.com> at NP--INTERNET

Subject: Timbisha LEIS Time Extension

----- Message Contents

Timbisha LEIS Time Extension

Hi Dick,

No need to review all the details we both know on this. On behalf of E2-01  
all the folks that are confused with this puzzle, I request a 30 day  
extension to try to figure out just what's being proposed in order to  
make educated recommendations.

Thanks,

Dave Bybee  
Kingdom of the Trees,  
Council of the Trilliums,  
Dept. of Geothermal Magic!

also known to the post office as:  
2600 NE Minnehaha St. B-18  
Vancouver WA 98665-1300



## LEIS-151

David M. Luboff  
436 East Palm Avenue  
Burbank, California 91501  
dluboff@pacificnet.net

July 17, 2000

Mr. Dick Martin, Superintendent  
Death Valley National Park  
Post Office Box 579  
Death Valley, California 92328

Re: Timbisha Shoshone Homeland  
Draft Legislative Environmental Impact Statement

Dear Mr. Martin:

The proposed legislation to create a Timbisha Homeland within the confines of Death Valley National Park is a matter of considerable concern to me and to many other members of the public who enjoy this region within the park. This proposal never should have proceeded without a full environmental impact statement. Instead, there has been a legislative environmental impact statement (LEIS), which is but a poor substitute. In the rush to assemble this document, the drafters repeatedly have incorporated erroneous information. The multiple errors in the LEIS, combined with an inadequate documentary record, render it useless as a basis for well-considered legislation.

At a minimum, the existing LEIS should be scrapped and the process begun anew. What really is required is a well-researched and scientifically based environmental impact statement.

As a first step, however, the public comment period for the LEIS should be extended for a reasonable period to allow further consideration of the LEIS and to afford an opportunity for full public participation in the decision-making process. I request that you extend the public comment period by 120 days. The bare minimum to enable meaningful participation is an additional 60 days.

The procedures that have been followed to date are suspect at best. My understanding is that the LEIS was published in the Federal Register in May. It should come as no surprise that most members of the public do not have access to the Federal Register. If the LEIS had been

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published simultaneously on the Internet, members of the public might have had a reasonable opportunity to inspect and to comment on the document. Yet, a considerable amount of time elapsed before the LEIS was made accessible on the Internet. P4-04

The area which is the subject of the LEIS is located within the County of Inyo. Considering that the vast majority of Death Valley National Park is located within Inyo County, and considering that the park comprises a very large portion of the total area of Inyo County, it follows that the people of Inyo County should have an opportunity to comment on the LEIS. The board of supervisors of the County of Inyo has gone on record as requesting a specific extension of the comment period. Why has this request not been granted? P4-05

Moreover, the LEIS is incomplete by its very terms. Important documentation regarding rights to water resources was omitted from the LEIS. The issue of water resource allocation is an important one. Appropriation of water in western portions of Death Valley National Park and contiguous areas will have impacts on aquifers and water distribution in areas considerably removed from the areas where water will be extracted. The LEIS is poorly researched and documented in its treatment of the hydrology of this region. E1D-06

Allow me to give you a concrete example. Groundwater extraction in the area of Centennial Flat is likely to have a deleterious effect on water supplies to the town of Darwin, which lies outside the park boundary. The LEIS states: "Geologic and hydrologic data do not support this assertion, but *adverse effects on groundwater availability at Darwin cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality.*" [Emphasis in original.] Why has there not been an assessment of aquifer boundaries, production capacity and water quality? C-07

Precisely what groundwater do you contend is available in Darwin? Have you identified any water wells there? Where are they? W1-08

Is the LEIS intended to be a serious study of the environmental impacts of the Timbisha Shoshone Homeland legislation, or is this merely a *pro forma* exercise? P4-09

There are numerous internally inconsistent statements within the LEIS. Claims regarding historical uses of the region often are lacking in documentary support and in a number of instances are contradicted by persons with first-hand knowledge of the region's land tenure. Yet, their potential contributions to the historical record have been ignored by the LEIS. Was this a conscious decision? Is there a reason why this evidence was omitted? HU-10

There appears to be a confusion in the LEIS among various geographic locations in the Saline Valley region. What is being done to correct these errors? E1D-11

The proposed legislation potentially will have significant impacts on the ecosystem of the



western portion of the park, as well as areas lying outside the park, including native animal and plant communities. There are widely divergent biological communities in Saline Valley and the surrounding mountains, and the LEIS does not accurately describe them. What plans have been made to rectify these errors?

E1D-12

Under any set of circumstances, it would seem to be entirely premature for the approval process for the LEIS to go forward when the general management plan for Death Valley National Park has yet to be released.

P2-13

In conclusion, I reiterate that additional time is required for public participation in the development of the LEIS. I look forward to your granting a *meaningful* extension of the public comment period.

Sincerely yours,

David M. Luboff

4.2 INDEX BY LEIS  
LETTER NUMBER

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3.0 PUBLIC COMMENT  
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4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/18/2000 7:59 PM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: RE: deadline drawing near]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: RE: deadline drawing near  
 Date: Mon, 17 Jul 2000 21:28:12 -0700  
 From: "Forrest" <forrest@ridgenet.net>  
 To: "Saline Preservation Association" <spa@majorproduction.net>

Dick Martin  
 Superintendent  
 Death Valley National Park  
 PO Box 579  
 Death Valley CA 92328



Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted.

Respectfully,

Forrest Lloyd  
713 LaPaloma St  
Ridgecrest, CA 93555  
760 384 4685  
forrest@ridgenet.net



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/19/2000 9:16 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: Re: [Fwd: Help us help you]]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

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 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Re: [Fwd: Help us help you]  
 Date: Tue, 6 Jun 2000 15:35:25 -0700 (PDT)  
 From: TheRanch <daranch@telnet.iwvisp.com>  
 To: Saline Preservation Association <spa@majorproduction.net>

Comments from The Center for Western Lands on the proposed Timbisha Homeland.



The Center for Western Lands

Max Hovaten

3927 Argo St

Inyokern, CA 93527

I have read the legislative proposal on the Timbisha Shoshone homeland and I want to share with you my comments. My family has used for generations some of the same areas that the tribe claims to be using and I have as yet run across any tribal members hunting, pinion nut and herb gathering. What I HAVE seen is many non tribal members, (i.e. the general public) camping, hunting, and generally simply enjoying nature. I have a tough time believing that we will see any number Timbisha Shoshone gathering pine nuts on Hunter Mountain or elsewhere especially since pinion nuts have been imported from China for many years for 25% the cost of local nuts!

HU-01

As for the Centennial springs property, a spring in the desert is a rare and valuable resource for wildlife. It is inconceivable that it is proposed to 'develop' these springs for housing!! How can we expect to have a 'homeland' community if there is an isolated group of three families 2 hours away from the tribal center?! How can the proposers justify that an EIS is not required when development of a pristine environment such as Centennial valley would impact the native species and habitat dramatically? We noted that the wording of the draft even implies the development of a gambling casino in the valley!! These proposals definitely run contrary to the spirit and the law of the EIS process!

C-02

MG-03

P4-04

The hot springs issue is quite obviously a grab of a possible economic resource. Once again we have conflict between development and native species and habitat. These springs are located on a bad dirt road two hours away from the proposed tribal headquarters, without electric service or the possibly of electric service. These springs were developed over the past 50 years and are used by

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thousands of  
people each year to get away from the city and relax in the desert. I  
seriously  
doubt that any of the tribe will significantly use these springs. The  
inclusion  
of the Saline springs will abrogate thousands of visitor days to Death  
Valley  
with a possible few visitor days by the Timbisha Shoshone.

Granting of real estate to the Timbisha Shoshone at Furnace Creek, Death  
Valley  
Junction, and the other sites with habitation is a logical choice.  
These  
areas  
have no critical or wild habitat and can provide a valuable economic  
base  
as  
far as tourism and services, (including federal grants). It is  
inconceivably  
to include the wild lands in this grant of land to the Timbisha Shoshone  
and remove  
these lands from public X-Mozilla-Status: 0009in private hands. We feel  
that  
this is a perversion of the intent of the Environment Review process and  
my  
organization strongly opposes this legislation in its present form.

Sincerely;

Max Hovaten

Center for Western Lands



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/19/2000 9:20 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA  
 CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 Joe.Skeen@mail.house.gov at NP--INTERNET, annagram@mail.house.gov at NP--INTERNET,  
 gibbons@mail.house.gov at NP--INTERNET, senator@bryan.senate.gov at NP--INTERNET,  
 senator\_bingaman@bingaman.senate.gov at NP--INTERNET

Subject: [Fwd: Re: Help us help you]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Re: Help us help you  
 Date: Thu, 15 Jun 2000 14:05:46 EDT  
 From: Seehker@aol.com  
 To: spa@majorproduction.net

Regarding the Timbisha Homeland Legislative Environmental Impact Statement



(LEIS) which was recently introduced to Congress for review.

SV-01

We are concerned that the wonderful act of returning sacred or significant land to the Timbisha Tribe will compromise public access to the area known as Saline Valley Warm Springs in Death Valley National Park, or undermine the unique user management that currently exists under the auspices of Saline Preservation Association (SPA) and individual visitors.

The social history of this area that allows all to come and celebrate or experience this unique area of the Desert and then leave it unblemished for others will be undermined if the Timbisha are allowed to have restricted access, settle, build structures or conduct business, permanently. As it is currently used (and visitor maintained), all people may, and do, have a unique spiritual experience, including the Timbisha.

M1-02

This small, out of the way phenomenon is a priceless social experiment in cooperation, harmony and environmental sensitivity.

We have explored and enjoyed the deserts of the South West for decades and find Warm Springs has no peer. In reactivating the Timbisha Homelands, we implore you to keep this pristine area simple, and accessible to all.

Ralph Crawford  
Mary Akullian  
1111 College Ave  
Palo Alto, CA 94306

Al and Ruth Hinker  
Box 701  
694 7th Street  
Ely, Nev 89301

Fred and Colleen Hinker  
Spirithaven Ranch  
P. O. Box 504  
The End of River Road  
Santa Rosa, New Mexico 88435

Uldis and Ilze Nollendorfs  
P.O. Box 81  
89 Emerald Court  
Homewood, CA 95718



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/19/2000 9:32 AM

Normal

TO: DEVA Superintendent at NP-DEVA,

"Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 lynn.woolsey@mail.house.gov at NP--INTERNET

Subject: [Fwd: Re: SPA newsletter online]

----- Message Contents

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 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Re: SPA newsletter online

Date: Thu, 22 Jun 2000 22:41:17 -0500

From: Joseph Koveleskie <kovelesk@hsc.usc.edu>

To: Saline Preservation Association <spa@majorproduction.net>

===== Joseph

Koveleskie, M.D.  
 14 Silvia Drive  
 Cazadero CA 95421  
 Dick Martin, Superintendent  
 Death Valley National Park  
 Furnace Creek CA 92328

Timbisha Shoshone Homeland LEIS



June 22, 2000

Dear Mr Martin,

The last time that I wrote with comments on the Timbisha Homeland Report with regards to Saline Valley Warm Springs, they were largely ignored. This is disappointing since this is such a meaningful issue for me.

I reviewed aspects of the report and find that there are numerous issues that should be addressed before any decisions are made that will restrict public access to this beautiful land. And be sure, what is being proposed by the Timbisha Tribe will dramatically restrict or eliminate public access.

To give fair hearing to the public viewpoint I ask that the following points be considered:

EXTENSION OF THE COMMENT PERIOD BEYOND THE CURRENT DEADLINE OF JULY 22, 2000. This will give us more time to compare the many false, conflicting, and ambiguous statements in the LEIS Vol. 1 with documentation in Vol. 2, and to check the claims against independent sources. Also, the public was not notified in a timely and consistent manner: Volume 1 of the LEIS was mailed to some of the people on the distribution list, but Volume 2, which contains the documentation of the claims made in Vol. 1, was not routinely mailed. The LEIS was supposed to be available in public libraries in the affected communities, but it is not in many of these libraries. The LEIS was not posted on line in a timely manner. Many interested people were not notified of the public meetings held the week of June 12. E2-01

THE LEIS IS GEOGRAPHICALLY INACCURATE. Geographic areas are inaccurately or vaguely described, or their location is not identified at all, as in the case of the "Indian Rancheria." The Tribe proposes to purchase two privately owned parcels in Saline Valley designated as the "Indian Rancheria." The LEIS states that the Timbishas' long-standing (but undocumented) occupation of the "Rancheria" is "proof" of the Tribe's interest in the Springs, which are in fact almost ten miles away, as the crow flies. The owners of the parcels in question were not contacted during the writing of the LEIS. The owner of one of the parcels, Marilyn Moyer, is NOT willing to sell her parcel, and we have reason to believe the other owners are not willing to sell either. The LEIS claims that 750,000 acres were originally considered for designation as the Natural and Cultural Preservation Area, but a more accurate estimate, verified by the local BLM office, is closer to 1.5 million acres. Members of Congress will not be aware of these inaccuracies, but those of us familiar with the areas in question know how deceptive the geographic descriptions are. E1G-02

THE LEIS CONTAINS CONFLICTING STATEMENTS. For example: E1D-03  
Page 14 INDIAN RANCHERIA [Saline Valley, near Hunter Canyon]: "The level of use is envisioned to be residential at approximately the same level that has existed in the past. In addition there may be a small joint NPS/Tribal office for visitor information and resource management for the Saline Valley portion of the Park."  
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HISTORICAL CLAIMS ARE POORLY DOCUMENTED. The Timbisha claim that they have a history of using the Springs for healing and ceremonial purposes. The main document they cite, by anthropologist/contractor Catherine Fowler, is not available for examination by the public. Available historical sources do not document this claim by the Timbisha. Page 16 SALINE VALLEY SPRINGS "The Tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated with the springs. The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the Tribe to the area. The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs."

HU-04

FLAWED OR NONEXISTENT SCIENCE. No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. Descriptions of plant communities at the Rancheria and the Springs are inaccurate and/or incomplete, and are treated as if the areas are identical. Anyone who is familiar with the Springs knows this to be entirely inaccurate. (See Page 67 INDIAN RANCHERIA.)

E1D-05

ABSENCE OF WATER STUDIES. Another troubling example of inadequate science is the absence of water studies on Centennial Flat, where pumping of groundwater may have an impact on the spring in the Cosos that supplies the town of Darwin via a 7-mile pipeline. This concern is dismissed in the LEIS with the following deceptive paragraph: Page 89 CENTENNIAL "Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary). Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat. Geologic and hydrologic data do not support this assertion, but adverse effects on groundwater availability at Darwin cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality. Small-scale withdrawals associated with limited residential uses would not be expected to adversely affect supplies at Darwin." The problem with this paragraph is that there are no wells in Darwin, nor any groundwater! The "exploratory well" on Centennial Flat has not been pumped and it is unknown whether it will supply any water, or what impact withdrawals of water will have on wildlife, plants, the town of Darwin and other holders of water rights. Although Centennial Flat is not part of Saline Valley, the dishonest discussion of this parcel in the LEIS is strong evidence that the document is defective.

C-06

#### LEIS Drafters Didn't Do Their Homework!

The LEIS is inherently flawed as detailed in the enclosed letter to Mr. Martin. Within the LEIS there are many discrepancies, contradictions, and false or undocumented assertions. Much of the environmental evaluation is ill-informed, incomplete and based on bad science. The maps provided in the report are vague and do not reveal the reality of the territory proposed for "co-management" by the Timbisha. Public comments have been ignored at recent public meetings. Park officials conceded that many of the letters of concern written by members of the Saline Preservation Association (SPA) and the general public were not included in documentation for the LEIS since they did not specifically address the technical issue of the land transfer. This seems like a runaround based on a technicality. In fact, none of the members of the Senate Indian Affairs Committee who reviewed the Homeland Proposal saw ANY of the letters written by the concerned public. In the words of Senator Inouye's aide (the senator sponsoring the legislation), the

M1-07



Indian Affairs Committee didn't have time to read all the public comments, and it was a "judgment call" on the part of the Department of the Interior as to what comments deserved their attention.

Sincerely,

cc Senate and Congress

members =====

Joseph

Koveleskie, M.D.

14 Silvia Drive

Cazadero CA 95421

«Title» «FirstName» «LastName»

«Address1»

«Address2»

«City» «State» «PostalCode»

June 22, 2000

Dear «Title» «LastName»,

The enclosed letter comments on the Legislative Environmental Impact Statement (LEIS) on Senate Bill S.2102, which enacts the recommendations of the Timbisha Shoshone Tribal Homeland Report. As required by the public comment process, the letter is addressed to Dick Martin, Superintendent of Death Valley National Park. The last time that I wrote to Mr. Martin with my comments on the Timbisha Homeland Report, my comments were largely ignored. I hope they will receive more attention this time.

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Sincerely,

Enclosure: Letter to Dick

Martin =====



Joseph Koveleskie, M.D.  
14 Silvia Drive  
Cazadero CA 95421

«Title» «FirstName» «LastName»  
«Address1»  
«City» «State» «PostalCode»

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



**Joseph Koveleskie, M.D.**  
**Diplomate American Board of Anesthesiology**

14 Silvia Drive, Cazadero CA 95421 TEL 530 409 1855 FAX 504 896 2508  
email:kovelesk@hsc.usc.edu

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**Joseph Koveleskie, M.D.**  
**Diplomate American Board of Anesthesiology**

14 Silvia Drive, Cazadero CA 95421 TEL 530 409 1855 FAX 504 896 2508  
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Sincerely,

cc Senate and Congress members



Title	FirstName	LastName	Address1	City	Stat	PostalCode
Senator	Barbara	Boxer	112 Hart Senate Office Building	Washington	DC	20510
Senator	Dianne	Feinstein	331 Hart Senate Office Building	Washington	DC	20510
Representative	Lynn	Woolsey	439 Cannon House Office Building	Washington	DC	20515
Senator	Ben	Campbell	380 Russell Senate Office Building	Washington	DC	20510
Senator	Nighthorse					
Senator	Frank	Murkowski	322 Hart Senate Office Building	Washington	DC	20510
Senator	John	McCain	241 Russell Senate Office Building	Washington	DC	20510
Senator	Slade	Gorton	730 Hart Senate Office Building	Washington	DC	20510
Senator	Pete	Domenici	328 Hart Senate Office Building	Washington	DC	20510
Senator	Craig	Thomas	109 Hart Senate Office Building	Washington	DC	20510
Senator	Orrin	Hatch	131 Russell Senate Office Building	Washington	DC	20510
Senator	James	Inhofe	453 Russell Senate Office Building	Washington	DC	20510
Senator	Daniel	Inouye	722 Hart Senate Office Building	Washington	DC	20510
Senator	Kent	Conrad	530 Hart Senate Office Building	Washington	DC	20510
Senator	Harry	Reid	528 Hart Senate Office Building	Washington	DC	20510
Senator	Daniel	Alaska	720 Hart Senate Office Building	Washington	DC	20510
Senator	Paul David	Wellstone	136 Hart Senate Office Building	Washington	DC	20510
Senator	Byron	Dorgan	713 Hart Senate Office Building	Washington	DC	20510



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/19/2000 9:58 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
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 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
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 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
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 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 dana@mail.house.gov at NP--INTERNET

Subject: [Fwd: Request for Additional Extension, Timbisha LEIS]

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Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Request for Additional Extension, Timbisha LEIS  
 Date: Sat, 15 Jul 2000 16:46:10 EDT  
 From: DScott130@aol.com  
 To: spa@majorproduction.net

Dick Martin  
 Superintendent  
 Death Valley National Park  
 PO Box 579  
 Death Valley CA 92328

Timbisha Shoshone Homeland LEIS



Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

P1-01

E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

E2-07

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted.

E2-08

Respectfully,

David Scott  
541 B Bernard St.  
Costa Mesa, CA 92627-2610

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/20/2000 11:50 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmaill@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 lynn.woolsey@mail.house.gov at NP--INTERNET

Subject: Timbisha LEIS S.2102 [Fwd: Please forward my letter]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Please forward my letter  
 Date: Tue, 18 Jul 2000 00:37:22 EDT  
 From: DiSo@aol.com  
 To: spa@majorproduction.net

Dick Martin  
 Superintendent  
 Death Valley National Park  
 PO Box 579  
 Death Valley CA 92328

Timbisha Shoshone Homeland LEIS



Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted.

Respectfully,

Diane Soash  
3 Palm Avenue  
Corte Madera, CA. 94925



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/20/2000 11:42 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: S.2102 [Fwd: Letter to Dick Martin]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Letter to Dick Martin  
 Date: Tue, 18 Jul 2000 15:29:15 -0700  
 From: Stephen.Schilling@sce.com  
 To: spa@majorproduction.net

Please forward the following letter to Dick Martin and any other agencies you feel should receive a copy.  
 Thank you for your consideration in this matter,  
 Stephen O. Schilling



Dick Martin, Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I believe a proper thorough Environmental Impact Statement should be prepared for the proposed Timbisha Homeland legislation. I've been informed that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. The need for a complete review and probably a new LEIS is apparent..

The following points have been brought to my attention and I copy them here:

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted.

Sincerely,



Stephen O. Schilling  
1566 Sanborn Avenue  
Los Angeles CA 90027-1539  
sos@millenia.com



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/20/2000 11:57 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: campbell@mail.house.gov at NP--INTERNET,

"Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,

"Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,

"Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,

"Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,

"Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,

"Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,

"Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,

"Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,

"Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,

"Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,

"Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,

"Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,

"Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,

"Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,

Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,

Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: S.2102 [Fwd: Fwd: deadline drawing near]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate

Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands

administered by the National Park Service and the Bureau of Land Management. We forward this

letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association

Box 1603

Inyokern, California 93527

----- Original Message -----

Subject: Fwd: deadline drawing near

Date: Sat, 15 Jul 2000 18:30:03 EDT

From: BillFarington@aol.com

To: spa@majorproduction.net

Dick Martin

Superintendent

Death Valley National Park

Timbisha Shoshone Homeland LEIS



\*PO Box 579  
Death Valley CA 92328

\*Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

P1-01

E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

E2-07

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted.

E2-08

Respectfully,

Bill Farrington  
12700 Alba Road  
Ben Lomond, Ca 95005



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/20/2000 12:01 PM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: Howard.Berman@mail.house.gov at NP--INTERNET,

"Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,

"Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,

"Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,

"Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,

"Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,

"Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,

"Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,

"Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,

"Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,

"Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,

"Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,

"Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,

"Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,

"Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,

Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,

Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: S.2102 [Fwd: Re: deadline drawing near]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter  
 addressing concerns with Senate

Bill S.2102, which proposes the establishment of a Timbisha Shoshone  
 Homeland within public lands

administered by the National Park Service and the Bureau of Land  
 Management. We forward this

letter on behalf of its author, who is a member of the Saline  
 Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks  
 subcommittee)

--

Saline Preservation Association

Box 1603

Inyokern, California 93527

----- Original Message -----

Subject: Re: deadline drawing near

Date: Sat, 15 Jul 2000 20:32:07 -0700

From: Philip Laing <palaing@mediaone.net>

To: Saline Preservation Association <spa@majorproduction.net>

References: <39709CD8.D465B35F@majorproduction.net>

Dick Martin  
 Superintendent

Timbisha Shoshone Homeland LEIS



Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which will be far reaching and affect the Park for generations to come. It is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains many errors, and lacks proper documentation.

P1-01

E1D-02

The need for a complete review and a proper Environmental Impact Report is necessary for the long term interests of the Park .

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but

P4-04

was not available to the public through the internet until some time after that date, and even

worse, the General Management Plan (GMP) for the Park has not yet been issued. Without this,

P2-05

the public is not able to adequately comment on this proposal. Furthermore, the Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

P4-06

Nine of Supervisors have asked for a 30 day extension. They represent county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

E2-07

Your proposed 10 day extension is inadequate. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents. The Park

Service once again appears to have a "Public be damned" approach to the management of the National Parks. Just like the Park Service did in Los Alamos earlier this summer.

I ask for at least a complete review of this LEIS; and, I further request



that a 60 day extension of  
the comment period be granted. There is no need to rush this bill  
through  
Congress for some  
political or monetary gain. Its much to important for the future of the  
Park  
to be rushing a flawed  
and erroneous plan that will result in disaster, much like NASA  
launching  
the Challenger when  
the engineers said "don't do it". NASA paid a heavy price for politics.

Respectfully,

Philip Laing  
9772 Creemore Drive  
Tujunga, CA 91042

E2-08

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--

Date: 07/20/2000 12:06 PM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: lynn.woolsey@mail.house.gov at NP--INTERNET,

"Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,

"Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,

"Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,

"Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,

"Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,

"Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,

"Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,

"Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,

"Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,

"Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,

"Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,

"Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,

"Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,

"Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,

Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,

Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: S.2102 LEIS [Fwd: deadline drawing near]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate

Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands

administered by the National Park Service and the Bureau of Land Management. We forward this

letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association

Box 1603

Inyokern, California 93527

----- Original Message -----

Subject: deadline drawing near

Date: Sun, 16 Jul 2000 09:08:52 -0700

From: eva@evaseay.com

To: DEVA\_Superintendent@nps.gov

Dick Martin

Superintendent

Death Valley National Park



PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland  
legislation. This proposal has  
broad implications and sets precedents which could be far reaching, and  
is based largely upon a faulty  
substitution for a proper Environmental Impact Statement. I understand  
that the LEIS upon which this  
legislation relies was prepared in only five months, and contains  
numerous errors, as well as insufficient  
documentation.

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley  
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able to adequately comment on this proposal.

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Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension.  
They represent a county that  
stands to be heavily impacted by the Timbisha Bill, and their request  
should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially  
address the public's need for  
adequate time to research the many inconsistencies and erroneous  
statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS  
through Congress before the public  
becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be  
granted.

Respectfully,

Eva Seay  
11730 McPeak Rd  
Forestville, CA 95436



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/20/2000 12:10 PM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: mail.gibbons@mail.house.gov at NP--INTERNET,  
 "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmaill@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: Request for Additional Extension, Timbisha LEIS]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

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 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Request for Additional Extension, Timbisha LEIS  
 Date: Sun, 16 Jul 2000 13:38:50 -0700  
 From: "Peg O'Malley" <peggraphix@softcom.net>  
 To: "Dick Martin" <DEVA\_Superintendent@nps.gov>  
 CC: spa@majorproduction.net, "Senator Daniel Inouye" <senator@inouye.senate.gov>, "Senator Dianne Feinstein" <senator@feinstein.senate.gov>, "Senator Barbara Boxer" <senator@boxer.senate.gov>

Dick Martin



Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

As a 30+ year visitor to the Saline Valley-Death Valley area, I would like to express my concern to the proposed Timbisha Homeland legislation. The broad and precedent-setting implications of this proposed legislation will have far-reaching results and could change the way that public lands are used and governed in perpetuity. This legislation, if passed, will be based largely upon faulty and erroneous data, substituted in lieu of a proper Environmental Impact Statement. The LEIS upon which this legislation relies was prepared in only five months, contains numerous errors and omissions, and relies on woefully insufficient and scientifically suspect documentation.

The need for a complete review and, in all probability, a new LEIS is painfully obvious in light of the long-range impact of this legislative decision. Has anyone seriously considered what will happen once governance of this land within a National Park is given over to what is essentially a sovereign nation? Platitudes and promises are fine during the negotiating process, but once the land is transferred permanently into the jurisdiction of the Timbisha Shoshone, is there really any guarantee that these promises will be kept and that the use of the land will not be radically altered?

Considering that in the 20+ years that I have been visiting Saline Valley, I have seen only two Native Americans at the springs (surly young women from Bishop who were rude and unpleasant to other visitors at the soaks), the claim of the tribe to the site on the grounds of historical and ceremonial use seems a bit ingenuous. Given some of the negative and judgmental statements made recently by Timbisha representatives about visitors to the hot springs, it would be reasonable to assume that the adversarial attitude projected by these two women could be a prediction of things to come. This is not what a National Park that is meant to provide a refuge and recreation for all citizens should be encouraging.

A few of the more egregious errors in the published document, provided for public review are:

- \* The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.
- \* The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public on the Internet until considerably later than that date.
- \* The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.
- \* The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, June 20, 2000.
- \* The Inyo County Board of Supervisors has asked for a 30-day extension. These Supervisors are elected representatives of a



county that will suffer a heavy impact from the consequences of the Timbisha Bill. As such, their request should be honored and given special priority.

The Park Service's proposed 10-day extension is meaningless in light of the scope of the problem. This action appears to be only a brief pause in a much larger game plan to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the full and long-range implications of these documents. A brief 10-day extension does not allow time to substantially address the public's need to research the many inconsistencies and erroneous statements in the LEIS.

I ask for a complete and critical review of this LEIS. I further request that a 60-day extension of the public comment period be granted.

E2-10

Respectfully,

Peg O'Malley  
13465 Mahogany Drive  
Reno, Nevada 89511-9272



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/20/2000 12:13 PM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,

"Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,

"Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,

"Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,

"Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,

"Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,

"Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,

"Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,

"Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,

"Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,

"Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,

"Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,

"Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,

"Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,

Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,

Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: Fw: Timbisha Homeland Proposal]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter  
addressing concerns with Senate

Bill S.2102, which proposes the establishment of a Timbisha Shoshone  
Homeland within public lands

administered by the National Park Service and the Bureau of Land  
Management. We forward this

letter on behalf of its author, who is a member of the Saline  
Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks  
subcommittee)

--

Saline Preservation Association

Box 1603

Inyokern, California 93527

----- Original Message -----

Subject: Fw: Timbisha Homeland Proposal

Date: Sun, 16 Jul 2000 15:59:18 -0700

From: "Geoff Best" <gkbest@jps.net>

To: <spa@majorproduction.net>

----- Original Message -----

From: Geoff Best

To: Dick Martin Sent: Sunday, July 16, 2000 3:55 PM Subject: Timbisha  
Homeland Proposal

July 16, 2000 Dick Martin, Superintendent Death Valley National  
Park Dear Mr Martin, I'm upset that the Timbisha Homeland Proposal has



bypassed a full Environmental Impact Report. As the area in question is P1-01  
inside the boundaries of a National Park no rule that would apply to any  
person or group should be circumvented. The public has had very little  
time to study the implications of the Proposal. This group has come from  
nowhere to center stage in a short time. If such an ownership claim or  
other proposal were to take place in Yellowstone or Yosemite or Grand  
Canyon it would be subject to the most intense scrutiny and public  
comment, and the rules should apply here just the same. I'm protesting  
the hurry-up nature of this action. I demand a FULL EIR to be paid by  
the TimbishaGroup and in no way subsidised by the taxpayer. I want  
enough time to fully study their plans, and I ask for a series of public P4-02  
meetings in nearby towns with their spokesmen present. When actions  
effect our national treasures, our great park system, we need to move  
slowly and hear from all concerned. Sincerely, Geoff

Best

12024 Hilltop Terrace

Grass Valley

CA 95949

530 346 7962



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/20/2000 11:27 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail1@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
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 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: Timbisha LEIS S.2102

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association

Box 1603

Inyokern, California 93527

----- Original Message -----

Date: Tue, 18 Jul 2000 13:15:37 -0300

From: "Moore, Don" <DonMoore@ngl.ca>

To: "'spa@majorproduction.net'" <spa@majorproduction.net>

Hello,

As a Canadian with no voice in your legislature, I have been wavering on whether I should bother getting involved in your letter-writing campaign at

this stage in the game. Ultimately though, I can't just keep silent!

For

what it's worth, I'm attaching a copy of a letter I composed to Dick



July 18, 2000

Mr. Dick Martin, Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

This letter is to express my concern over the apparent attempt to rush the Timbisha Homeland Legislation through Congress based only on a poorly prepared and insufficiently documented Legislative Environmental Impact Statement. E1D-01

I'm sure my concerns only echo those expressed at public hearings and in written submissions. It baffles me why you would rush such a bill through the legislature without taking the time to examine the implications fully unless there is some kind of a hidden agenda. It is my understanding that even the consultants who prepared this LEIS admitted at a public meeting in Lone Pine CA that a LEIS normally takes about 24 months to prepare; yet this one was ready in only 5 months. It's not a wonder that there are missing appendices, poor documentation and numerous errors.

The LEIS sets out joint management schemes between National Park Authorities and the Timbisha Band when the General Management Plan (GMP) has not even been issued yet. P2-02 This seems like putting the cart before the horse. How can the public comment on this bill properly when it only knows part of the story? I feel that this legislation should be postponed until the GMP has been issued.

If you are not willing to do this, at the very least I urge you to give this very flawed LEIS a complete and careful review and part of that process involves public input. A 10 day extension strikes me as a tacit admission of error without really offering a sincere solution. E2-03 I am requesting that the extension be changed to 60 days. This is precedent-setting stuff and as such it should be examined carefully, accurately and all-inclusively before this bill becomes legislated. In the real world we do our homework before writing the test. Let's get busy and do our homework first!

Respectfully yours,

Don Moore  
114 McKeen Drive  
Keswick Ridge NB Canada E6L 1N9



Author: stefanie brown <fungushead@mail.com> at np--internet  
 Date: 07/20/2000 8:29 PM  
 Normal

TO: DEVA Superintendent at NP-DEVA  
 CC: spa@majorproduction.net at NP--INTERNET  
 Subject: LEIS on Timbisha Report

----- Message Contents -----

Dick Martin,  
 Superintendent  
 Death Valley National Park  
 P.O. Box 579  
 Death Valley, CA 92328

July 20, 2000

Re: LEIS on the Timbisha-Shoshone Report (Senate Bill S.2102)

Dear Mr. Martin,

I am writing in regards to Senate Bill S.2102 to urge you to NOT allow this bill to be passed and also to extend the comment period another 60 days. E2-01

My concern is over the many discrepancies contained within the LEIS. We need an extension on the comment period to be able to fully evaluate the conflicting statements contained within the LEIS. Also the public was not notified in a timely manner as the LEIS document was not available in all of the public libraries as it was supposed to be and not mailed to all those on the distribution list. One example of some of the inconsistencies within the LEIS is regarding the Indian Rancheria: E1D-02

On p.14 INDIAN RANCHERIA, "The level of use is envisioned to be residential at approximately the same level that has existed in the past. E1D-04

In addition there may be a small joint NPS/Tribal office for visitor information and resource management for the Saline Valley portion of the Park."

On p.95 INDIAN RANCHERIA "Specific land uses are not identified for the Indian Rancheria Parcels."

On p.93 INDIAN RANCHERIA "Limited economic activities are anticipated at the Rancheria parcels."

Furthermore, the LEIS is geographically inaccurate. The areas intended to be purchased by the Timbisha are vaguely described as in the case of the "Indian Rancheria". The LEIS states that the tribe's occupation of the Rancheria is "proof" of the tribe's interest in the Saline Valley Warm Springs area of Death Valley. The actual location of the rancheria is almost 10 miles away from the Saline Valley Warm Springs area. Additionally, the Timbisha's occupation of the this Indian Rancheria is undocumented. E1G-05

Another inaccuracy lies in the acreage to be handed over to the Timbisha tribe. The LEIS claims there is 750,000 acres to be designated for tribal management, but the BLM office verified that is is closer to 1.5 million acres!

The Timbisha claim that they have a historical use of Saline Valley Springs for ceremonial purposes, but all available historical sources do NOT verify this claim by the Timbisha! The one document they cite, written by anthropologist, Catherine Fowler is not available for public examination. HU-06



Without a proper environmental impact study we have no data on how the proposed developments will affect water supplies in the surrounding desert communities. For example, the LEIS states on p.89 CENTENNIAL: "Water is available to the parcel from surface water sources. . . and groundwater. Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to the wells in the town of Darwin. . ."

C-07

The problem with this statement is that there aren't any wells in Darwin, or any groundwater! This outright deception included in the LEIS further demonstrates the document's inaccuracies.

Finally, I am concerned that a National Park, such as Death Valley, set aside to be preserved for all the public to use would be altered in any way that limits public access. The LEIS, with its proposal to hand over nearly 1.5 million acres to the Timbisha tribe, sets a precedent which could potentially result in more National Park acreage becoming unavailable for public use. Even if this is the only case, Death Valley is incredibly unique. Any loss would affect future generations and the passage of this bill would curtail public use, forever.

M1-08

Sincerely,

Stefanie Brown  
P.O. Box 3728  
Santa Cruz, CA 95063

cc. Sam Farr  
Tom Campbell  
Barbara Boxer  
Diane Feinstein

---

FREE Personalized Email at Mail.com  
Sign up at <http://www.mail.com/?sr=signup>



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/20/2000 8:28 PM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmaill@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: S.2102 [Fwd: Saline Valley]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Saline Valley  
 Date: Sat, 15 Jul 2000 16:23:36 -0700  
 From: "Mark Brandt" <mark@fruitpatch.net>  
 Reply-To: <mark@fruitpatch.net>  
 To: <spa@majorproduction.net>

Dick Martin  
 Superintendent  
 Death Valley National Park  
 PO Box 579



Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01 E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date. P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20. P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored. E2-07

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. E2-08

Respectfully, Mark Brandt  
1522 River Bluff Dr.  
Reedley Ca. 93654



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/20/2000 8:35 PM  
 Normal

TO: DEVA Superintendent at NP-DEVA  
 CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail1@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wallstone" <senator\_wallstone@exchange.senate.gov> at NP--INTERNET,  
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 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET  
 Subject: Senate Bill S.2102 [Fwd: Re: deadline drawing near]  
 ----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----  
 Subject: Re: deadline drawing near  
 Date: Sun, 16 Jul 2000 13:11:59 EDT  
 From: Marvnpet@aol.com  
 To: spa@majorproduction.net

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution



for a  
proper Environmental Impact Statement. I understand that the LEIS upon P1-01  
which  
this legislation relies was prepared in only five months, and contains E1D-02  
numerous errors, as well as insufficient documentation.

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley E1G-03  
National Park and proposed reservation sites for the Timbisha Shoshone,  
is  
missing from Volume 2 of the LEIS.

The Draft LEIS was entered into the Federal Register on May 12, 2000, P4-04  
but was not available to the public through the internet until some time  
after that date.

The General Management Plan (GMP) for the Park has not yet been issued. P2-05  
Without this, the public is not  
able to adequately comment on this proposal.

The Inyo County Board of Supervisors was not made aware of the problems P4-06  
with the LEIS and the Timbisha Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension. E2-07  
They represent a county that stands to be heavily impacted by the  
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Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially  
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inconsistencies and erroneous statements in the LEIS.

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through Congress before the public becomes aware of the implications of  
these  
documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be E2-08  
granted.

Respectfully,

Marv & Pet Daniels  
251 Encanto Ave  
Pismo Beach, CA 93449-1528



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/20/2000 8:48 PM  
 Normal

TO: DEVA Superintendent at NP-DEVA  
 CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
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 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 barbara.lee@mail.house.gov at NP--INTERNET

Subject: [Fwd: Timbisha LEIS: Objections and request for extension]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter  
 addressing concerns with Senate  
 Bill S.2102, which proposes the establishment of a Timbisha Shoshone  
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 Members of the House Resources Committee (including the National Parks  
 subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Timbisha LEIS: Objections and request for extension  
 Date: Sun, 16 Jul 2000 16:00:15 EDT  
 From: Oaklaw@aol.com  
 To: spa@majorproduction.net

Shawn Rice Blakely  
 1878 Magellan Drive  
 Oakland, CA 94611-2634

July 16, 2000



Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Objections to Timbisha LEIS and Request for Additional Extension

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01 E1D-02

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The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored. E2-07

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. E2-08



Respectfully,

Shawn Rice Blakely

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/21/2000 10:51 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmaill@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET  
 Subject: S.2102 [Fwd: mail to forward]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: mail to forward  
 Date: Mon, 17 Jul 2000 07:49:49 -0700  
 From: Steve\_Werner@dot.ca.gov  
 To: Saline Preservation Association <spa@majorproduction.net>

Please forward this on, thanks

Dick Martin  
 Superintendent



Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01 E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date. P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20. P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored. E2-07

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. E2-08

Respectfully,

Steve Werner

558 Annahy  
Fortuna, Ca 95540



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/21/2000 11:11 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 M.Thompson@mail.house.gov at NP--INTERNET

Subject: s.2102 [Fwd: Does this work?]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Does this work?

Date: Mon, 17 Jul 2000 16:04:41 -0700

From: "Linda J. Bostwick" <lbostwickaes@earthlink.net>

To: "Saline Preservation Association" <spa@majorproduction.net>

References: <39709C55.E80DFAE0@majorproduction.net>

Dick Martin  
 Superintendent  
 Death Valley National Park  
 PO Box 579



Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

We would like to express our concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. We understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

P1-01

E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

E2-07

The proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

We ask for at least a complete review of this LEIS.

We further request that a 60 day extension of the comment period be granted.

E2-08

Respectfully,

Linda Bostwick & Mel Smith  
P.O.Box 954  
Point Arena, Ca 95468

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



July 17, 2000

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01 | E1D-02 |

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date. E1G-03 | P4-04 |

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. P2-05 |

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 8/20. P4-06 |

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored. E2-07 |

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. E2-08 |

Respectfully,

Ken Doshier  
3738 Linwood Pl.  
Riverside, CA 92506



## LEIS-172

July 19, 2000

Mr. Dick Martin  
Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, California 92328

Subject: The Timbisha Shoshone Tribal Homeland

Dear Mr. Martin:

I am providing this letter to express to you my concerns regarding the proposed Timbisha Shoshone Tribal Homeland.

I am very much opposed to the process being used to promote the subject proposal and the broad implications associated with it. The proposal is based upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. The actions of those that support the proposal appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the negative implications of these documents and the proposal as a whole.

*The need for a complete review and a new LEIS is obvious.*

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

In addition, the Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, June 20, 2000. The Inyo County Board of Supervisors has asked for a 30-day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

I ask for at a minimum, a complete review of this LEIS. I further request that a 60-day extension of the comment period be granted.

Respectfully submitted,

Randall K. Stephenson  
101 E. Woodrow St.  
Taft, CA 93268



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/21/2000 11:26 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail1@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 sf.nancy@mail.house.gov at NP--INTERNET

Subject: S.2102 [Fwd: Save Saline!]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association

Box 1603

Inyokern, California 93527

----- Original Message -----

Subject: Save Saline!

Date: Sun, 16 Jul 2000 19:27:51 -0700

From: Dr Jay <drjay@questclinical.com>

Reply-To: drjay@questclinical.com

Organization: quest clinical research

To: spa@majorproduction.net

Dick Martin

Superintendent

Death Valley National Park



PO BOX 575  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

P1-01

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

E2-07

Your proposed 10 day extension is MEANINGLESS. It does not substantially

address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

E2-08

I further request that a 60 day extension of the comment period be granted.

Respectfully,

Jacob Lalezari  
63 Homestead Ave.  
SF, CA 94115

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/21/2000 11:29 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail1@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET  
 Subject: S.2102 [Fwd: LEIS]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks  
 subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: LEIS  
 Date: Tue, 18 Jul 2000 21:54:53 -0700  
 From: "The Burkholders" <prmaniac@mindspring.com>  
 To: <DEVA\_Superintendent@nps.gov>  
 CC: <spa@majorproduction.net>

Dick Martin  
 Superintendent  
 Death Valley National Park  
 PO Box 579



Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted.

Respectfully, Scott and Nastassja Burkholder  
4593 N. Isle Royale  
St. Moorpark, Ca 93021  
805-523-2282



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/23/2000 10:40 AM

Normal

TO: DEVA Superintendent at NP-DEVA,

"Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,

"Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,

"Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,

"Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,

"Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,

"Sen. Frank Murkowski" <webmail1@murkowski.senate.gov> at NP--INTERNET,

"Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,

"Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,

"Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,

"Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,

"Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,

"Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,

"Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,

"Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,

Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,

Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: S.2102 [Fwd: SALINE VALLEY]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate

Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands

administered by the National Park Service and the Bureau of Land Management. We forward this

letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association

Box 1603

Inyokern, California 93527

----- Original Message -----

Subject: SALINE VALLEY

Date: Fri, 21 Jul 2000 14:38:47 EDT

From: Kellilevi@aol.com

To: spa@majorproduction.net

Dick Martin

Superintendent

Death Valley National Park

PO Box 579

Death Valley CA 92328



Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha  
Homeland  
legislation. This proposal has broad implications and sets precedents  
which  
could be far reaching, and is based largely upon a faulty substitution  
for a  
proper Environmental Impact Statement. I understand that the LEIS upon P1-01  
which  
this legislation relies was prepared in only five months, and contains  
numerous errors, as well as insufficient documentation. The need for a E1D-02  
complete review and probably a new LEIS is obvious. The last part of E1G-03  
Appendix E, "Overview of water rights, Death Valley National Park and  
proposed reservation sites for the Timbisha Shoshone," is missing from  
Volume  
2 of the LEIS. The Draft LEIS was entered into the Federal Register on  
May  
12, 2000, but was not available to the public through the internet until P4-04  
some  
time after that date. The General Management Plan (GMP) for the Park has P2-05  
not  
yet been issued. Without this, the public is not able to adequately  
comment  
on this proposal. The Inyo County Board of Supervisors was not made P4-06  
aware of  
the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.  
The  
Inyo County Board of Supervisors has asked for a 30 day extension. They E2-07  
represent a county that stands to be heavily impacted by the Timbisha  
Bill,  
and their request should be honored. Your proposed 10 day extension is  
MEANINGLESS. It does not substantially address the public's need for  
adequate time to research the many inconsistencies and erroneous  
statements  
in the LEIS. These actions appear to be attempts to rush the Timbisha  
Bill  
and LEIS through Congress before the public becomes aware of the  
implications of these documents. I ask for at least a complete review  
of  
this LEIS. I further request that a 60 day extension of the comment E2-08  
period be  
granted.

Respectfully,

Kelli Levinson  
5809 Current Court  
Bakersfield, CA 93312



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/23/2000 10:48 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 campbell@mail.house.gov at NP--INTERNET, sanfarr@mail.house.gov at NP--INTERNET

Subject: S.2102 [Fwd: LEIS on Timbisha Report]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: LEIS on Timbisha Report  
 Date: Thu, 20 Jul 2000 20:29:22 -0400 (EDT)  
 From: stefanie brown <fungushead@mail.com>  
 To: DEVA\_Superintendent@nps.gov  
 CC: spa@majorproduction.net

Dick Martin,  
 Superintendent  
 Death Valley National Park  
 P.O. Box 579  
 Death Valley, CA 92328

July 20, 2000



Re: LEIS on the Timbisha-Shoshone Report (Senate Bill S.2102)

Dear Mr. Martin,

I am writing in regards to Senate Bill S.2102 to urge you to NOT allow this bill to be passed and also to extend the comment period another 60 days. E2-01

My concern is over the many discrepancies contained within the LEIS. We need an extension on the comment period to be able to fully evaluate the conflicting statements contained within the LEIS. Also the public was not notified in a timely manner as the LEIS document was not available in all of the public libraries as it was supposed to be and not mailed to all those on the distribution list. One example of some of the inconsistencies within the LEIS is regarding the Indian Rancheria: E1A-03

On p.14 INDIAN RANCHERIA, "The level of use is envisioned to be residential at approximately the same level that has existed in the past.

In addition there may be a small joint information and resource portion of the Park."

NPS/Tribal office for visitor management for the Saline Valley

On p.95 INDIAN RANCHERIA "Specific land uses are not identified for the Indian Rancheria Parcels."

On p.93 INDIAN RANCHERIA "Limited economic activities are anticipated at the Rancheria parcels."

Furthermore, the LEIS is geographically inaccurate. The areas intended to be purchased by the Timbisha are vaguely described as in the case of the "Indian Rancheria". The LEIS states that the tribe's occupation of the Rancheria is "proof" of the tribe's interest in the Saline Valley Warm Springs area of Death Valley. The actual location of the rancheria is almost 10 miles away from the Saline Valley Warm Springs area. Additionally, the Timbisha's occupation of the this Indian Rancheria is undocumented. E1G-04 HU-05

Another inaccuracy lies in the acreage to be handed over to the Timbisha tribe. The LEIS claims there is 750,000 acres to be designated for tribal management, but the BLM office verified that is is closer to 1.5 million acres! M1-06

The Timbisha claim that they have a historical use of Saline Valley Springs for ceremonial purposes, but all available historical sources do NOT verify this claim by the Timbisha! The one document they cite, written by anthropologist, Catherine Fowler is not available for public HU-07



examination.

Without a proper environmental impact study we have no data on how the proposed developments will affect water supplies in the surrounding desert

W1-08

communities. For example, the LEIS states on p.89 CENTENNIAL: "Water is available to the parcel from surface water sources. . . and groundwater.

Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to the wells in the

town of Darwin. . ."

The problem with this statement is that there aren't any wells in Darwin, or

any groundwater! This outright deception included in the LEIS further demonstrates the document's inaccuracies.

Finally, I am concerned that a National Park, such as Death Valley, set aside to be preserved for all the public to use would be altered in any way

M1-09

that limits public access. The LEIS, with its proposal to hand over nearly

1.5 million acres to the Timbisha tribe, sets a precedent which could potentially result in more National Park acreage becoming unavailable for

public use. Even if this is the only case, Death Valley is incredibly unique. Any loss would affect future generations and the passage of this bill would curtail public use, forever.

Sincerely,

Stefanie Brown  
P.O. Box 3728  
Santa Cruz, CA 95063

cc. Sam Farr  
Tom Campbell  
Barbara Boxer  
Diane Feinstein

---

FREE Personalized Email at Mail.com  
Sign up at <http://www.mail.com/?sr=signup>



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/23/2000 10:54 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmail@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pate Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 tellbuck@mail.house.gov at NP--INTERNET

Subject: S.2102 [Fwd: Letter of concern]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Letter of concern

Date: Wed, 19 Jul 2000 07:07:58 -0700

From: "Hynes, Timothy D" <Timothy.Hynes@PSS.Boeing.com>

To: "'Saline Preservation Association'" <spa@majorproduction.net>

Dick Martin  
 Superintendent  
 Death Valley National Park  
 PO Box 579  
 Death Valley CA 92328



Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland P1-01  
legislation. This proposal has broad implications and sets precedents  
which could be far reaching, and is based largely upon a faulty  
substitution for a proper Environmental Impact Sta

tement. I understand that the LEIS upon which this legislation relies  
was prepared in only five months, and contains numerous errors, as well E1D-02  
as insufficient documentation.

The need for a complete review and probably a new LEIS is obvious. The E1G-03  
last part of Appendix E, "Overview of water rights, Death Valley  
National Park and proposed reservation sites for the Timbisha Shoshone,"  
is missing from Volume 2 of the LEIS. The Dr

aft LEIS was entered into the Federal Register on May 12, 2000, P4-04  
but was not available to the public through the internet until some time  
after that date.

The General Management Plan (GMP) for the Park has not yet been issued. P2-05  
Without this, the public is not able to adequately comment on this  
proposal. The Inyo County Board of Supervisors was not made aware of the P4-06  
problems with the LEIS and the Timbisha B

ill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension.  
They represent a county that stands to be heavily impacted by the E2-07  
Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially  
address the public's need for adequate time to research the many  
inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS  
through Congress before the public becomes aware of the implications of  
these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be E2-08  
granted.

Respectfully,

Timothy Hynes  
42423 20th Street West  
Lancaster, California 93536  
661 943-2191



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/23/2000 11:01 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: barbara.lee@mail.house.gov at NP--INTERNET,  
 ellen.tauscher@mail.house.gov at NP--INTERNET,  
 "Sen. Ben Nighthorse Campbell" <administrator@campbell.senate.gov> at NP--INTERNET,  
 "Sen. Byron Dorgan" <senator@dorgan.senate.gov> at NP--INTERNET,  
 "Sen. Craig Thomas" <craig@thomas.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Akaka" <senator@akaka.senate.gov> at NP--INTERNET,  
 "Sen. Daniel Inouye" <senator@inouye.senate.gov> at NP--INTERNET,  
 "Sen. Frank Murkowski" <webmaill@murkowski.senate.gov> at NP--INTERNET,  
 "Sen. Harry Reid" <senator\_reid@reid.senate.gov> at NP--INTERNET,  
 "Sen. James Inhofe" <jim\_inhofe@inhofe.senate.gov> at NP--INTERNET,  
 "Sen. John McCain" <john\_mccain@mccain.senate.gov> at NP--INTERNET,  
 "Sen. Kent Conrad" <senator@conrad.senate.gov> at NP--INTERNET,  
 "Sen. Orrin Hatch" <senator\_hatch@hatch.senate.gov> at NP--INTERNET,  
 "Sen. Paul David Wellstone" <senator\_wellstone@exchange.senate.gov> at NP--INTERNET,  
 "Sen. Pete Domenici" <senator\_domenici@domenici.senate.gov> at NP--INTERNET,  
 "Sen. Slade Gorton" <senator\_gorton@exchange.senate.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: S.2102 Timbisha LEIS [Fwd: Re: deadline drawing near]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators  
 Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603  
 Inyokern, California 93527

----- Original Message -----

Subject: Re: deadline drawing near

Date: Tue, 18 Jul 2000 23:43:02 -0700

From: "stephen harris" <sm.harris@worldnet.att.net>

To: "Saline Preservation Association" <spa@majorproduction.net>

References: <39709CBE.E90CC92A@majorproduction.net>

Letter sent.

7/17/00



Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01 E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date. P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20. P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored. E2-07

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. E2-08

Respectfully,  
Steve Harris

12170 Blythen Way  
Oakland CA 94619



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/25/2000 10:43 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Del. Donna Christian-Christensen" <donna.christensen@mail.house.gov> at NP--INTERNET,  
 "Rep. Barbara Cubin" <barbara.cubin@mail.house.gov> at NP--INTERNET,  
 "Rep. Bruce Vento" <vento@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris Cannon" <cannon.ut03@mail.house.gov> at NP--INTERNET,  
 "Rep. James Gibbons" <mail.gibbons@mail.house.gov> at NP--INTERNET,  
 "Rep. Jay Inslee" <jay.inslee@mail.house.gov> at NP--INTERNET,  
 "Rep. Joseph Crowley" <write2joecrowley@mail.house.gov> at NP--INTERNET,  
 "Rep. Mark Souder" <souder@mail.house.gov> at NP--INTERNET,  
 "Rep. Nick Rahall II" <nrahall@mail.house.gov> at NP--INTERNET,  
 "Rep. Richard Pombo" <rpombo@mail.house.gov> at NP--INTERNET,  
 "Rep. Ron Kind" <ron.kind@mail.house.gov> at NP--INTERNET,  
 "Rep. Rush Holt" <rush.holt@mail.house.gov> at NP--INTERNET,  
 "Rep. Tom Udall" <tom.udall@mail.house.gov> at NP--INTERNET,  
 "Rep. Walter Jones Jr." <congjones@mail.house.gov> at NP--INTERNET,  
 "Del. Eni Faleomavaega" <faleomavaega@mail.house.gov> at NP--INTERNET,  
 "Del. Robert Underwood" <guamtodc@mail.house.gov> at NP--INTERNET,  
 House Resources Committee Info <resources.committee@mail.house.gov> at NP--INTERNET,  
 "Rep. Bob Schaffer" <rep.schaffer@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris John" <christopher.john@mail.house.gov> at NP--INTERNET,  
 "Rep. Don Young" <don.young@mail.house.gov> at NP--INTERNET,  
 "Rep. Frank Pallone Jr." <frank.pallone@mail.house.gov> at NP--INTERNET,  
 "Rep. George Miller" <George.Miller@mail.house.gov> at NP--INTERNET,  
 "Rep. Grace Napolitano" <grace@mail.house.gov> at NP--INTERNET,  
 "Rep. Greg Walden" <greg.walden@mail.house.gov> at NP--INTERNET,  
 "Rep. Helen Chenoweth-Hage" <ask.helen@mail.house.gov> at NP--INTERNET,  
 "Rep. John Doolittle" <doolittle@mail.house.gov> at NP--INTERNET,  
 "Rep. Kevin Brady" <rep.brady@mail.house.gov> at NP--INTERNET,  
 "Rep. Mike Simpson" <mike.simpson@mail.house.gov> at NP--INTERNET,  
 "Rep. Neil Abercrombie" <neil.abercrombie@mail.house.gov> at NP--INTERNET,  
 "Rep. Owen Pickett" <owen.pickett@mail.house.gov> at NP--INTERNET,  
 "Rep. Patrick Kennedy" <patrick.kennedy@mail.house.gov> at NP--INTERNET,  
 "Rep. Peter DeFazio" <peter.defazio@mail.house.gov> at NP--INTERNET,  
 "Rep. Thomas Tancredo" <Tom.Tancredo@mail.house.gov> at NP--INTERNET,  
 lynn.woolsey@mail.house.gov at NP--INTERNET

Subject: S.2102 [Fwd: Timbisha LEIS letter]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the Senate Indian Affairs Committee

Members of the House Resources Committee (including the National Parks subcommittee)



Saline Preservation Association  
Box 1603  
Inyokern, California 93527

----- Original Message -----

Subject: Timbisha LEIS letter  
Date: Mon, 17 Jul 2000 07:26:11 -0700 (PDT)  
From: alon golan <alonoak@yahoo.com>  
To: spa@majorproduction.net

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Dear Mr. Martin:

I would like to express my concern to the proposed  
Timbisha Homeland  
legislation. This proposal has  
broad implications and sets precedents which could be  
far reaching, and  
is based largely upon a faulty  
substitution for a proper Environmental Impact  
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P1-01

E1D-02

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They represent a county that

E2-07



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not  
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adequate time to research the many inconsistencies and  
erroneous  
statements in the LEIS.

These actions appear to be attempts to rush the  
Timbisha Bill and LEIS  
through Congress before the public  
becomes aware of the implications of these documents.

I ask for at leastX-Mozilla-Status: 0009 this LEIS.

I further request that a 60 day extension of the E2-08 |  
comment period be  
granted.

Respectfully,

Alon Golan  
San Rafael, Ca 94903

---

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<http://mail.yahoo.com/>

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/25/2000 10:48 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Del. Donna Christian-Christensen" <donna.christensen@mail.house.gov> at NP--INTERNE  
 "Rep. Barbara Cubin" <barbara.cubin@mail.house.gov> at NP--INTERNET,  
 "Rep. Bruce Vento" <vento@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris Cannon" <cannon.ut03@mail.house.gov> at NP--INTERNET,  
 "Rep. James Gibbons" <mail.gibbons@mail.house.gov> at NP--INTERNET,  
 "Rep. Jay Inslee" <jay.inslee@mail.house.gov> at NP--INTERNET,  
 "Rep. Joseph Crowley" <write2joecrowley@mail.house.gov> at NP--INTERNET,  
 "Rep. Mark Souder" <souder@mail.house.gov> at NP--INTERNET,  
 "Rep. Nick Rahall II" <nrahall@mail.house.gov> at NP--INTERNET,  
 "Rep. Richard Pombo" <rpombo@mail.house.gov> at NP--INTERNET,  
 "Rep. Ron Kind" <ron.kind@mail.house.gov> at NP--INTERNET,  
 "Rep. Rush Holt" <rush.holt@mail.house.gov> at NP--INTERNET,  
 "Rep. Tom Udall" <tom.udall@mail.house.gov> at NP--INTERNET,  
 "Rep. Walter Jones Jr." <congjones@mail.house.gov> at NP--INTERNET,  
 "Del. Eni Faleomavaega" <faleomavaega@mail.house.gov> at NP--INTERNET,  
 "Del. Robert Underwood" <guamtodc@mail.house.gov> at NP--INTERNET,  
 House Resources Committee Info <resources.committee@mail.house.gov> at NP--INTERNET,  
 "Rep. Bob Schaffer" <rep.schaffer@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris John" <christopher.john@mail.house.gov> at NP--INTERNET,  
 "Rep. Don Young" <don.young@mail.house.gov> at NP--INTERNET,  
 "Rep. Frank Pallone Jr." <frank.pallone@mail.house.gov> at NP--INTERNET,  
 "Rep. George Miller" <George.Miller@mail.house.gov> at NP--INTERNET,  
 "Rep. Grace Napolitano" <grace@mail.house.gov> at NP--INTERNET,  
 "Rep. Greg Walden" <greg.walden@mail.house.gov> at NP--INTERNET,  
 "Rep. Helen Chenoweth-Hage" <ask.helen@mail.house.gov> at NP--INTERNET,  
 "Rep. John Doolittle" <doolittle@mail.house.gov> at NP--INTERNET,  
 "Rep. Kevin Brady" <rep.brady@mail.house.gov> at NP--INTERNET,  
 "Rep. Mike Simpson" <mike.simpson@mail.house.gov> at NP--INTERNET,  
 "Rep. Neil Abercrombie" <neil.abercrombie@mail.house.gov> at NP--INTERNET,  
 "Rep. Owen Pickett" <owen.pickett@mail.house.gov> at NP--INTERNET,  
 "Rep. Patrick Kennedy" <patrick.kennedy@mail.house.gov> at NP--INTERNET,  
 "Rep. Peter DeFazio" <peter.defazio@mail.house.gov> at NP--INTERNET,  
 "Rep. Thomas Tancredo" <Tom.Tancredo@mail.house.gov> at NP--INTERNET,  
 tellbuck@mail.house.gov at NP--INTERNET

Subject: S.2102 [Fwd: response to dick martin]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association



Box 1603  
Inyokern, California 93527

----- Original Message -----

Subject: response to dick martin

Date: Wed, 19 Jul 2000 16:56:54 -0700

From: "John Davies" <johnd@smartlink.net>

To: <spa@majorproduction.net>

Dick martin

Superintendent

Death Valley national Park

P.O. Box 579

Death Valley, ca. 92328

Re: Request for Additional Extension, Timbisha LEIS7/19/2000

Dear Mr. Martin,

I would like to express my concern to the proposed Timbisha Homeland legislation.

Over the last 28 years, I have visited the saline warm springs many times, and have returned to the everyday malaise of society feeling rejuvenated in mind and spirit. There are not many remote paradises left to the individual seeking solitude and beauty, and the warm springs are such a place.

When the National Park service took over the responsibility for the warm springs area from the BLM, I recall the service-guaranteeing fair and sound management practices for all involved, including the family like community that had a strong attachment to the springs area. Is this deception the standard form of diplomacy the Park service adheres to? Why is the National Park service so hell bent on transferring this retreat from the many Americans to the few who will be able to restrict or refuse access to all those who have for years enjoyed the springs and surrounding areas, and for all generations to come? A 30-day extension for review of this invasive legislation, as requested by the Inyo County Supervisors is not unreasonable.

I have noticed the majority of respondents to this legislation believe that by appeasement of what's right, they will be able to sway your predetermined disposition regarding this transfer of national heritage from all Americans, to a few. I personally do not believe that I or any other concerned respondents will receive a fair and impartial decision on this legislation. The full speed ahead and dam the torpedoes mentality by the Park Service borders on malfeasance.

I alone accept responsibility for my words and If you believe that my apprehension of those who say "Trust me, I'm here to help you", is unfounded, please contact me at area code 661-944-4290, or you may write a response to my return address listed below. If you are unable to write or call, a 30-day extension will do. E2-01

Sincerely,



John Davies

10533 East Avenue 58,

Little Rock, Ca 93543-2004



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/25/2000 10:50 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Del. Donna Christian-Christensen" <donna.christensen@mail.house.gov> at NP--INTERNET,  
 "Rep. Barbara Cubin" <barbara.cubin@mail.house.gov> at NP--INTERNET,  
 "Rep. Bruce Vento" <vento@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris Cannon" <cannon.ut03@mail.house.gov> at NP--INTERNET,  
 "Rep. James Gibbons" <mail.gibbons@mail.house.gov> at NP--INTERNET,  
 "Rep. Jay Inslee" <jay.inslee@mail.house.gov> at NP--INTERNET,  
 "Rep. Joseph Crowley" <write2joecrowley@mail.house.gov> at NP--INTERNET,  
 "Rep. Mark Souder" <souder@mail.house.gov> at NP--INTERNET,  
 "Rep. Nick Rahall II" <nrahall@mail.house.gov> at NP--INTERNET,  
 "Rep. Richard Pombo" <rpombo@mail.house.gov> at NP--INTERNET,  
 "Rep. Ron Kind" <ron.kind@mail.house.gov> at NP--INTERNET,  
 "Rep. Rush Holt" <rush.holt@mail.house.gov> at NP--INTERNET,  
 "Rep. Tom Udall" <tom.udall@mail.house.gov> at NP--INTERNET,  
 "Rep. Walter Jones Jr." <congjoness@mail.house.gov> at NP--INTERNET,  
 "Del. Eni Faleomavaega" <faleomavaega@mail.house.gov> at NP--INTERNET,  
 "Del. Robert Underwood" <guamtodc@mail.house.gov> at NP--INTERNET,  
 House Resources Committee Info <resources.committee@mail.house.gov> at NP--INTERNET,  
 "Rep. Bob Schaffer" <rep.schaffer@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris John" <christopher.john@mail.house.gov> at NP--INTERNET,  
 "Rep. Don Young" <don.young@mail.house.gov> at NP--INTERNET,  
 "Rep. Frank Pallone Jr." <frank.pallone@mail.house.gov> at NP--INTERNET,  
 "Rep. George Miller" <George.Miller@mail.house.gov> at NP--INTERNET,  
 "Rep. Grace Napolitano" <grace@mail.house.gov> at NP--INTERNET,  
 "Rep. Greg Walden" <greg.walden@mail.house.gov> at NP--INTERNET,  
 "Rep. Helen Chenoweth-Hage" <ask.helen@mail.house.gov> at NP--INTERNET,  
 "Rep. John Doolittle" <doolittle@mail.house.gov> at NP--INTERNET,  
 "Rep. Kevin Brady" <rep.brady@mail.house.gov> at NP--INTERNET,  
 "Rep. Mike Simpson" <mike.simpson@mail.house.gov> at NP--INTERNET,  
 "Rep. Neil Abercrombie" <neil.abercrombie@mail.house.gov> at NP--INTERNET,  
 "Rep. Owen Pickett" <owen.pickett@mail.house.gov> at NP--INTERNET,  
 "Rep. Patrick Kennedy" <patrick.kennedy@mail.house.gov> at NP--INTERNET,  
 "Rep. Peter DeFazio" <peter.defazio@mail.house.gov> at NP--INTERNET,  
 "Rep. Thomas Tancredo" <Tom.Tancredo@mail.house.gov> at NP--INTERNET

Subject: S.2102 [Fwd: Please forward for me, Thanks!]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
 Box 1603



Inyokern, California 93527

----- Original Message -----

Subject: Please forward for me, Thanks!

Date: Thu, 20 Jul 2000 07:28:18 -0700

From: "LandM" <lmikerd@asis.com>

To: "Saline Preservation Association" <spa@majorproduction.net>

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand P1-01 that the LEIS upon which this legislation relies was prepared in only five months, and contains E1D-02 numerous errors, as well as insufficient documentation.

The need for a complete review and probably a new LEIS is obvious. E1G-03

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

The Draft LEIS was entered into the Federal Register on May 12, 2000, P4-04 but was not available to the public through the internet until some time after that date.

The General Management Plan (GMP) for the Park has not yet been issued. P2-05 Without this, the public is not able to adequately comment on this proposal.

The Inyo County Board of Supervisors was not made aware of the problems P4-06 with the LEIS and the Timbisha Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension. E2-07 They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be E2-08

Timbisha Shoshone Homeland LEIS



granted.

Respectfully,

Leroy Ikerd  
PO Box 547  
Garberville, CA 95542

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/25/2000 10:57 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Del. Donna Christian-Christensen" <donna.christensen@mail.house.gov> at NP--INTERNET,  
 "Rep. Barbara Cubin" <barbara.cubin@mail.house.gov> at NP--INTERNET,  
 "Rep. Bruce Vento" <vento@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris Cannon" <cannon.ut03@mail.house.gov> at NP--INTERNET,  
 "Rep. James Gibbons" <mail.gibbons@mail.house.gov> at NP--INTERNET,  
 "Rep. Jay Inslee" <jay.inslee@mail.house.gov> at NP--INTERNET,  
 "Rep. Joseph Crowley" <write2joecrowley@mail.house.gov> at NP--INTERNET,  
 "Rep. Mark Souder" <souder@mail.house.gov> at NP--INTERNET,  
 "Rep. Nick Rahall II" <nrahall@mail.house.gov> at NP--INTERNET,  
 "Rep. Richard Pombo" <rpombo@mail.house.gov> at NP--INTERNET,  
 "Rep. Ron Kind" <ron.kind@mail.house.gov> at NP--INTERNET,  
 "Rep. Rush Holt" <rush.holt@mail.house.gov> at NP--INTERNET,  
 "Rep. Tom Udall" <tom.udall@mail.house.gov> at NP--INTERNET,  
 "Rep. Walter Jones Jr." <congjones@mail.house.gov> at NP--INTERNET,  
 "Del. Eni Faleomavaega" <faleomavaega@mail.house.gov> at NP--INTERNET,  
 "Del. Robert Underwood" <guamtodc@mail.house.gov> at NP--INTERNET,  
 House Resources Committee Info <resources.committee@mail.house.gov> at NP--INTERNET,  
 "Rep. Bob Schaffer" <rep.schaffer@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris John" <christopher.john@mail.house.gov> at NP--INTERNET,  
 "Rep. Don Young" <don.young@mail.house.gov> at NP--INTERNET,  
 "Rep. Frank Pallone Jr." <frank.pallone@mail.house.gov> at NP--INTERNET,  
 "Rep. George Miller" <George.Miller@mail.house.gov> at NP--INTERNET,  
 "Rep. Grace Napolitano" <grace@mail.house.gov> at NP--INTERNET,  
 "Rep. Greg Walden" <greg.walden@mail.house.gov> at NP--INTERNET,  
 "Rep. Helen Chenoweth-Hage" <ask.helen@mail.house.gov> at NP--INTERNET,  
 "Rep. John Doolittle" <doolittle@mail.house.gov> at NP--INTERNET,  
 "Rep. Kevin Brady" <rep.brady@mail.house.gov> at NP--INTERNET,  
 "Rep. Mike Simpson" <mike.simpson@mail.house.gov> at NP--INTERNET,  
 "Rep. Neil Abercrombie" <neil.abercrombie@mail.house.gov> at NP--INTERNET,  
 "Rep. Owen Pickett" <owen.pickett@mail.house.gov> at NP--INTERNET,  
 "Rep. Patrick Kennedy" <patrick.kennedy@mail.house.gov> at NP--INTERNET,  
 "Rep. Peter DeFazio" <peter.defazio@mail.house.gov> at NP--INTERNET,  
 "Rep. Thomas Tancredo" <Tom.Tancredo@mail.house.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET  
 Subject: S.2102 [Fwd: Saline Valley Letter to Rep]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the House Resources Committee (including the National Parks  
 subcommittee)

--



Saline Preservation Association  
Box 1603  
Inyokern, California 93527

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

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Superintendent Dick Martin, of Death Valley National Park  
Senators Feinstein and Boxer of California  
The letter author's Congressional Representative and Senators  
Members of the House Resources Committee (including the National Parks subcommittee)

--

Saline Preservation Association  
Box 1603  
Inyokern, California 93527

----- Original Message -----  
Subject: Saline Valley Letter to Rep  
Date: Thu, 20 Jul 2000 11:41:16 EDT  
From: Mirrorlink@aol.com  
To: spa@majorproduction.net

This is the letter I sent to Elliot Engel my representative to Congress:

I am very concerned about a plan in the Saline Valley area of Death Valley M1-01  
National Park which would give managment of the hot springs in that  
area to  
the Timbisha Shoshone Tribe. My understanding is that the process of  
public  
inquiry and comment as well as environmental impact have not been P4-02  
followed in  
the required and appropriate manner.

I have great respect and interest in the concerns of the decendants of  
the  
indigenous people of the United Sates, Yet, these hotsprings have  
evolved  
over many decades and belong to all citizens willing to make the journey  
there.

Please look into this matter and encourage the appropriate parties to  
allow  
continued nonexclusive use by all citizens willing to make the trip into  
this  
beautiful area.

Thank you,



Robert Heffenan  
2480 Belmont ave #14  
Bronx, NY 10458



Author: "Lance Holmberg" <holms@thedalles.net> at np--internet

Date: 07/31/2000 11:44 AM

Normal

TO: DEVA Superintendent at NP-DEVA, <spa@majorproduction.net> at NP--INTERNET

CC: "Ron Wyden" <senator\_wyden@exchange.senate.gov> at NP--INTERNET,

"Gordon Smith" <oregon@gsmith.senate.gov> at NP--INTERNET,

<senator@inouye.senate.gov> at NP--INTERNET,

<senator@feinstein.senate.gov> at NP--INTERNET,

<senator@boxer.senate.gov> at NP--INTERNET

Subject: Letter of comment on the Draft LEIS For The Timbisha Shoshon

----- Message Contents

Attached is my letter of comment on the Draft LEIS For The Timbisha Shoshone Homeland, both in text format and as a Microsoft Word document of the letter below.

Lance Holmberg

P.O. Box 142

(501 N.W. Heisler St.)

Dufur, OR 97021

July 31, 2000

To Superintendent, Death Valley National Park

Post Office Box 579

Death Valley, CA 92328

Mr. Dick Martin

This is a letter of comment on the Draft LEIS For The Timbisha Shoshone Homeland.

I find the LEIS flawed in many respects and lacking in analysis of social E1D-01 effects to non-tribal members.

Some examples are the conflicting statements regarding Indian Rancheria, which E1D-02 state on page 14 "The level of use is envisioned to be residential at approximately the level that has existed in the past. In addition there may be a small joint NPS/Tribal office for visitor information and resource management for the Saline Valley portion of the park." Then on page 97 "No specific development is anticipated at Indian Rancheria." Well which is correct?

I am particularly concerned by the following paragraph in the Draft LEIS For The Timbisha Shoshone Homeland and the rest of my comments will be about it.

p. 16 SALINE VALLEY SPRINGS

"The Tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated with the springs.

"The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of



the Tribe to the area. The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs."

The paragraph is vague but potentially powerful. As a result of the vagueness there has been much concern and wild speculation that could have been avoided.

First, it appears that historic and cultural use has not been adequately demonstrated in any document open to public review. I understand that a document by Catherine Fowler, which the Timbisha cite to substantiate their claims, is not available to the public. I can understand if specific cultural sites are not revealed, to prevent pillaging, but the body of the document should be just as open for inspection as are the records of botany surveys I conduct for Forest Service projects. Is this document available or subject to FOIA? HU-03 P4-04

I read several letters on the Park Service website referring to this paragraph and not one of them supported the proposed action for the springs. There are deep ramifications to the current users of the springs that are not revealed or explored in the document. I do not find this to be an adequate environmental impact statement (E.I.S.) for that reason. The purpose of an E.I.S. is to reveal the consequences of the action to the human environment and that includes the social as well as environmental. Because this is a proposed legislative transfer of ownership and management, I can understand the paucity of substantive ecological analysis but there are significant social effects to non-tribal members that can be anticipated and should be revealed. This paragraph is just a statement of a proposed action. No consequence or impact to non-tribal members is revealed or explored but based on my understanding of NEPA should be. The LEIS statement mentioned above has merit in terms of restoring to the tribe what may have been theirs but by not acknowledging the current users this paragraph effectively removes any voice or rights current of current users who are not tribal members may have in the future. If that is true then this document should reveal that. I believe we have a legal right to expect the Federal Agencies proposing the action to tell us what the effects are expected to be to the current users. Perhaps this document meets the minimal letter of the law but it sure falls short of meeting the spirit of the law. E1B-05

Personally I feel as if we, who currently use the springs, have been dismissed as of no consequence by the drafters of this document. With all due respect to the tribe I would submit that the current users also have a legitimate claim to be represented in the management of the springs. This land is currently available for all citizens to use and is the common property of all including members of the tribe. What are the likely consequences of this proposed change where the current users are not mentioned as having any potential representation in the management of the springs? The Forest Service and BLM constantly try to work with the members of the public that have a stake in their proposed Federal actions. I would assume that should be an appropriate policy for the Park Service too. The users of the springs are stakeholders!

I think that before you can present this portion of this draft LEIS with any legitimacy it should state in clear language what a greater tribal presence means and what a pilot demonstration project would entail. By leaving this vague the Park Service can justify more specific actions by reference thereby evading the spirit and intent of NEPA later. As an example, it has been a common practice for Indian tribes to exclude non-tribal members from land they gain control of. Is this a possibility? If not, state that, so as to preclude any possibility of excluding of non-tribal members in the future. M1-06

I don't know if the legislators who will be acting based on this document realize the large number and wide variety of people who use the springs over the course of a year. It has been reported that none of the members of the Senate Indian Affairs Committee, who reviewed the proposal, saw any of the letters submitted by the public. In the several times I have been there I have been



impressed by the number of retirees, business owners, professionals, and other very mainstream Americans who come to the springs to restore themselves. There are a few weekends and holidays that draw a large number of people but this does not represent the slower more spiritual pace that is typical the majority of the time. The proposal, to give the Timbisha Shoshone a greater tribal presence and to propose to develop and conduct a pilot demonstration project, without including any acknowledgement of the very active and responsible role demonstrated by the current legitimate users, feels discriminatory to me.

My suspicion is that ultimately the Indian's use and management of Saline Springs would not be strictly winter dwelling and ceremonial use. If the phrase "greater tribal presence" is a justification for giving some management voice to the tribe, and the intent is to restore the Indian's ability to use the springs in a traditional manner (which has not been adequately documented to the public) then the LEIS should state that and contain wording that would limit the development of the springs by the Indians to traditional use. To do otherwise is a deceit. If any sort of commercial development could possibly result from the proposed action the LEIS should state that possibility if to meet the spirit and intent of NEPA.

M1-07

My wariness is based on experience with vague or ambiguous wording in management plans. I feel it is incumbent on the Park Service to be very clear and unambiguous so the public knows exactly what is meant and so that no manager can subvert the intent of the document by weasel wording.

SV-08

Regarding plants. The section addressing plants seems inadequate. I found the moss *Crummia latifolia* in McElvoy Canyon, which empties into Saline Valley. It is a rare calcium dependent moss that may very well be in other wet areas that are calcareous. I do not know what its status is in California but it is a rare species in Oregon, G4S1. It could be at other wet sites although I have not yet seen it at Saline Springs. I did not see any reference to mosses, lichens or liverworts. They are there too. The riparian associated mosses and liverworts would be particularly vulnerable in any spring or stream circumstance. In references for rare plants I saw the Nevada Natural Heritage Program listed but no mention of the comparable California program. Since most of the land affected by this LEIS is in California, the California database on plants needs to be referenced too.

E1D-09

Lance Holmberg

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: "Lance Holmberg" <holms@thedalles.net> at np--internet

Date: 07/31/2000 11:44 AM

Normal

TO: DEVA Superintendent at NP-DEVA, <spa@majorproduction.net> at NP--INTERNET

CC: "Ron Wyden" <senator\_wyden@exchange.senate.gov> at NP--INTERNET,

"Gordon Smith" <oregon@gsmith.senate.gov> at NP--INTERNET,

<senator@inouye.senate.gov> at NP--INTERNET,

<senator@feinstein.senate.gov> at NP--INTERNET,

<senator@boxer.senate.gov> at NP--INTERNET

Subject: Letter of comment on the Draft LEIS For The Timbisha Shoshon

----- Message Contents

Lance Holmberg

P.O. Box 142

(501 N.W. Heisler St.)

Dufur, OR 97021

Monday, July 31, 2000

To Superintendent, Death Valley National Park

Post Office Box 579

Death Valley, CA 92328

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Personally I feel as if we, who currently use the springs, have been dismissed as of no consequence by the drafters of this document. With all due respect to the tribe I would submit that the current users also have a legitimate claim to be represented in the management of the springs. This land is currently available for all citizens to use and is the common property of all including members of the tribe. What are the likely consequences of this proposed change where the current users are not mentioned as having any potential representation in the management of the springs? The Forest Service and BLM constantly try to work with the members of the public that have a stake in their proposed Federal actions. I would assume that should be an appropriate policy for the Park Service too. The users of the springs are stakeholders!

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Lance Holmberg



Author: "Michael Griffith" <emilewmg@worldnet.att.net> at np--internet

Date: 07/31/2000 11:24 PM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: <senator@inouye.senate.gov> at NP--INTERNET,

<senator@feinstein.senate.gov> at NP--INTERNET,

<senator@boxer.senate.gov> at NP--INTERNET, <spa@majorproduction.net> at NP--INTERNET

Subject: proposed Timbisha legislation; deadline

----- Message Contents

July 25, 2000

Death Valley National Park

PO Box 579

Death Valley CA 92328

Attn: Dick Martin  
Superintendent

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. As an occasional user of the campground and hot springs at Saline Valley, I am alarmed by much within the proposal.

This proposal has broad implications and sets precedents which could be far reaching, and is largely based upon a faulty substitution for a proper Environmental Impact Statement. I P1-01

understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors and insufficient documentation. E1D-02

The need for a complete review and probably a new LEIS is obvious. The mechanisms of developing and researching EIS documents were legislated to prevent exactly the type of land grabs this has all the trappings of.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and E1G-03

proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. Was this an oversight, the result of incompetence, or deliberate concealment?

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date. P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this plan, the public cannot be able to adequately comment on this proposal. If the public is not allowed to shape proposals like this, just who is? P2-05

Further, the Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, June 20, 2000. P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored. What's the point of even having County E2-07



Supervisors if they and their input is simply bypassed by other branches of government?

Your proposed remedy, a 10-day extension is meaningless as well as insulting. How can you expect the public, other current users of the proposed land transfer, as well as Inyo County residents to respond in a germane fashion in only ten days? The proposal does not substantially address the public's X-Mozilla-Status: 0009e to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents. If this proposal is for the good of the people, giving the public, our local representatives and Congress sufficient time to weigh it can only strengthen the final legislation. On the other hand, if the purpose of the legislation is to benefit a small minority at the cost of the rest of the public, then the faster it is snuck through, the less likely a scandal that would stain the good name of the National Park Service. I certainly hope this is only an oversight.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. Saline Valley has been here for millions of years. I'm sure it won't be terribly impacted if we take a little more time to carefully weigh the implications of this proposed legislation. As you also know, the NPS has been managing the Saline Valley portion of Death Valley National Park for less than a decade. I don't suppose taking the time to understand an area before you alter it could really hurt, either.

E2-08

Respectfully,

W. Michael Griffith

549 Canyon View Trail

Topanga, CA 90290



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/25/2000 11:00 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Del. Donna Christian-Christensen" <donna.christensen@mail.house.gov> at NP--INTERNET,  
 "Rep. Barbara Cubin" <barbara.cubin@mail.house.gov> at NP--INTERNET,  
 "Rep. Bruce Vento" <vento@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris Cannon" <cannon.ut03@mail.house.gov> at NP--INTERNET,  
 "Rep. James Gibbons" <james.gibbons@mail.house.gov> at NP--INTERNET,  
 "Rep. Jay Inslee" <jay.inslee@mail.house.gov> at NP--INTERNET,  
 "Rep. Joseph Crowley" <write2joecrowley@mail.house.gov> at NP--INTERNET,  
 "Rep. Mark Souder" <souder@mail.house.gov> at NP--INTERNET,  
 "Rep. Nick Rahall II" <nrahall@mail.house.gov> at NP--INTERNET,  
 "Rep. Richard Pombo" <rpombo@mail.house.gov> at NP--INTERNET,  
 "Rep. Ron Kind" <ron.kind@mail.house.gov> at NP--INTERNET,  
 "Rep. Rush Holt" <rush.holt@mail.house.gov> at NP--INTERNET,  
 "Rep. Tom Udall" <tom.udall@mail.house.gov> at NP--INTERNET,  
 "Rep. Walter Jones Jr." <congjones@mail.house.gov> at NP--INTERNET,  
 "Del. Eni Faleomavaega" <faleomavaega@mail.house.gov> at NP--INTERNET,  
 "Del. Robert Underwood" <guamtodc@mail.house.gov> at NP--INTERNET,  
 House Resources Committee Info <resources.committee@mail.house.gov> at NP--INTERNET,  
 "Rep. Bob Schaffer" <rep.schaffer@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris John" <christopher.john@mail.house.gov> at NP--INTERNET,  
 "Rep. Don Young" <don.young@mail.house.gov> at NP--INTERNET,  
 "Rep. Frank Pallone Jr." <frank.pallone@mail.house.gov> at NP--INTERNET,  
 "Rep. George Miller" <George.Miller@mail.house.gov> at NP--INTERNET,  
 "Rep. Grace Napolitano" <grace@mail.house.gov> at NP--INTERNET,  
 "Rep. Greg Walden" <greg.walden@mail.house.gov> at NP--INTERNET,  
 "Rep. Helen Chenoweth-Hage" <ask.helen@mail.house.gov> at NP--INTERNET,  
 "Rep. John Doolittle" <doolittle@mail.house.gov> at NP--INTERNET,  
 "Rep. Kevin Brady" <rep.brady@mail.house.gov> at NP--INTERNET,  
 "Rep. Mike Simpson" <mike.simpson@mail.house.gov> at NP--INTERNET,  
 "Rep. Neil Abercrombie" <neil.abercrombie@mail.house.gov> at NP--INTERNET,  
 "Rep. Owen Pickett" <owen.pickett@mail.house.gov> at NP--INTERNET,  
 "Rep. Patrick Kennedy" <patrick.kennedy@mail.house.gov> at NP--INTERNET,  
 "Rep. Peter DeFazio" <peter.defazio@mail.house.gov> at NP--INTERNET,  
 "Rep. Thomas Tancredo" <Tom.Tancredo@mail.house.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: S.2102 [Fwd: Letter Political]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the House Resources Committee (including the National Parks subcommittee)

--



Saline Reservation Association  
Box 1603  
Inyokern, California 93527

----- Original Message -----  
Subject: Letter Political  
Date: Fri, 21 Jul 2000 08:45:46 -0700  
From: wayne marchant <foc@infinex.com>  
To: spa@majorproduction.net

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Request for Additional Extension, Timbisha LEIS

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

P1-01

E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

E2-07

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS  
Timbisha Shoshone Homeland LEIS



through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. E2-08 |

Respectfully,

Francois DuPlessis  
20257 Road 52  
Tulare, Ca 93274  
Fax 559 685 8162  
E-mail; dupfarm@lightspeed.net



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/25/2000 11:02 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Del. Donna Christian-Christensen" <donna.christensen@mail.house.gov> at NP--INTERNET,  
 "Rep. Barbara Cubin" <barbara.cubin@mail.house.gov> at NP--INTERNET,  
 "Rep. Bruce Vento" <vento@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris Cannon" <cannon.ut03@mail.house.gov> at NP--INTERNET,  
 "Rep. James Gibbons" <mail.gibbons@mail.house.gov> at NP--INTERNET,  
 "Rep. Jay Inslee" <jay.inslee@mail.house.gov> at NP--INTERNET,  
 "Rep. Joseph Crowley" <write2joecrowley@mail.house.gov> at NP--INTERNET,  
 "Rep. Mark Souder" <souder@mail.house.gov> at NP--INTERNET,  
 "Rep. Nick Rahall II" <nrahall@mail.house.gov> at NP--INTERNET,  
 "Rep. Richard Pombo" <rpombo@mail.house.gov> at NP--INTERNET,  
 "Rep. Ron Kind" <ron.kind@mail.house.gov> at NP--INTERNET,  
 "Rep. Rush Holt" <rush.holt@mail.house.gov> at NP--INTERNET,  
 "Rep. Tom Udall" <tom.udall@mail.house.gov> at NP--INTERNET,  
 "Rep. Walter Jones Jr." <congjones@mail.house.gov> at NP--INTERNET,  
 "Del. Eni Faleomavaega" <faleomavaega@mail.house.gov> at NP--INTERNET,  
 "Del. Robert Underwood" <guantodc@mail.house.gov> at NP--INTERNET,  
 House Resources Committee Info <resources.committee@mail.house.gov> at NP--INTERNET,  
 "Rep. Bob Schaffer" <rep.schaffer@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris John" <christopher.john@mail.house.gov> at NP--INTERNET,  
 "Rep. Don Young" <don.young@mail.house.gov> at NP--INTERNET,  
 "Rep. Frank Pallone Jr." <frank.pallone@mail.house.gov> at NP--INTERNET,  
 "Rep. George Miller" <George.Miller@mail.house.gov> at NP--INTERNET,  
 "Rep. Grace Napolitano" <grace@mail.house.gov> at NP--INTERNET,  
 "Rep. Greg Walden" <greg.walden@mail.house.gov> at NP--INTERNET,  
 "Rep. Helen Chenoweth-Hage" <ask.helen@mail.house.gov> at NP--INTERNET,  
 "Rep. John Doolittle" <doolittle@mail.house.gov> at NP--INTERNET,  
 "Rep. Kevin Brady" <rep.brady@mail.house.gov> at NP--INTERNET,  
 "Rep. Mike Simpson" <mike.simpson@mail.house.gov> at NP--INTERNET,  
 "Rep. Neil Abercrombie" <neil.abercrombie@mail.house.gov> at NP--INTERNET,  
 "Rep. Owen Pickett" <owen.pickett@mail.house.gov> at NP--INTERNET,  
 "Rep. Patrick Kennedy" <patrick.kennedy@mail.house.gov> at NP--INTERNET,  
 "Rep. Peter DeFazio" <peter.defazio@mail.house.gov> at NP--INTERNET,  
 "Rep. Thomas Tancredo" <Tom.Tancredo@mail.house.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET

Subject: [Fwd: letter]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators  
 Members of the House Resources Committee (including the National Parks subcommittee)

--



Saline Preservation Association  
Box 1603  
Inyokern, California 93527

----- Original Message -----  
Subject: letter  
Date: Fri, 21 Jul 2000 14:38:29 EDT  
From: CaryBJ@aol.com  
To: spa@majorproduction.net

Dear Spa, Please forward the following to all you can. Thanks for the great work. Cary Jones

Dick Martin,  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation, Senate Bill S.2102. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the Legislative Environmental Impact Statement, or LEIS, upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. P1-01

The need for a complete review and probably a new LEIS is obvious. E1D-02

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS. E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date. P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal. P2-05

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20. P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored. E2-07

Your proposed 10 day extension is NOT ENOUGH. It does not substantially address the public's need for



adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. E2-08

Respectfully,

Cary B. Jones  
1625 Lorane Hwy.  
Eugene, OR. 9745



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet  
 Date: 07/26/2000 9:41 AM  
 Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Del. Donna Christian-Christensen" <donna.christensen@mail.house.gov> at NP--INTERNET,  
 "Rep. Barbara Cubin" <barbara.cubin@mail.house.gov> at NP--INTERNET,  
 "Rep. Bruce Vento" <vento@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris Cannon" <cannon.ut03@mail.house.gov> at NP--INTERNET,  
 "Rep. James Gibbons" <mail.gibbons@mail.house.gov> at NP--INTERNET,  
 "Rep. Jay Inslee" <jay.inslee@mail.house.gov> at NP--INTERNET,  
 "Rep. Joseph Crowley" <write2joecrowley@mail.house.gov> at NP--INTERNET,  
 "Rep. Mark Souder" <souder@mail.house.gov> at NP--INTERNET,  
 "Rep. Nick Rahall II" <nrahall@mail.house.gov> at NP--INTERNET,  
 "Rep. Richard Pombo" <rpombo@mail.house.gov> at NP--INTERNET,  
 "Rep. Ron Kind" <ron.kind@mail.house.gov> at NP--INTERNET,  
 "Rep. Rush Holt" <rush.holt@mail.house.gov> at NP--INTERNET,  
 "Rep. Tom Udall" <tom.udall@mail.house.gov> at NP--INTERNET,  
 "Rep. Walter Jones Jr." <congjones@mail.house.gov> at NP--INTERNET,  
 "Del. Eni Faleomavaega" <faleomavaega@mail.house.gov> at NP--INTERNET,  
 "Del. Robert Underwood" <guamtodc@mail.house.gov> at NP--INTERNET,  
 House Resources Committee Info <resources.committee@mail.house.gov> at NP--INTERNET,  
 "Rep. Bob Schaffer" <rep.schaffer@mail.house.gov> at NP--INTERNET,  
 "Rep. Chris John" <christopher.john@mail.house.gov> at NP--INTERNET,  
 "Rep. Don Young" <don.young@mail.house.gov> at NP--INTERNET,  
 "Rep. Frank Pallone Jr." <frank.pallone@mail.house.gov> at NP--INTERNET,  
 "Rep. George Miller" <George.Miller@mail.house.gov> at NP--INTERNET,  
 "Rep. Grace Napolitano" <grace@mail.house.gov> at NP--INTERNET,  
 "Rep. Greg Walden" <greg.walden@mail.house.gov> at NP--INTERNET,  
 "Rep. Helen Chenoweth-Hage" <ask.helen@mail.house.gov> at NP--INTERNET,  
 "Rep. John Doolittle" <doolittle@mail.house.gov> at NP--INTERNET,  
 "Rep. Kevin Brady" <rep.brady@mail.house.gov> at NP--INTERNET,  
 "Rep. Mike Simpson" <mike.simpson@mail.house.gov> at NP--INTERNET,  
 "Rep. Neil Abercrombie" <neil.abercrombie@mail.house.gov> at NP--INTERNET,  
 "Rep. Owen Pickett" <owen.pickett@mail.house.gov> at NP--INTERNET,  
 "Rep. Patrick Kennedy" <patrick.kennedy@mail.house.gov> at NP--INTERNET,  
 "Rep. Peter DeFazio" <peter.defazio@mail.house.gov> at NP--INTERNET,  
 "Rep. Thomas Tancredo" <Tom.Tancredo@mail.house.gov> at NP--INTERNET,  
 Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,  
 Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,  
 barbara.lee@mail.house.gov at NP--INTERNET

Subject: S.2102 [Fwd: Re: deadline drawing near]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands administered by the National Park Service and the Bureau of Land Management. We forward this letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:  
 Superintendent Dick Martin, of Death Valley National Park  
 Senators Feinstein and Boxer of California  
 The letter author's Congressional Representative and Senators  
 Members of the House Resources Committee (including the National Parks subcommittee)

--



Saline Preservation Association  
Box 1603  
Inyokern, California 93527

----- Original Message -----  
Subject: Re: deadline drawing near  
Date: Fri, 21 Jul 2000 19:02:19 -0700  
From: "Gio Giordano" <hempllove@whale-mail.com>  
To: spa@majorproduction.net

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Dear Mr. Martin:

I would like to express my concern to the proposed  
Timbisha Homeland  
legislation. This proposal has  
broad implications and sets precedents which could  
be far reaching, and  
is based largely upon a faulty  
substitution for a proper Environmental Impact P1-01  
Statement. I understand  
that the LEIS upon which this  
legislation relies was prepared in only five  
months, and contains  
numerous errors, as well as insufficient E1D-02  
documentation.

The need for a complete review and probably a new  
LEIS is obvious.

The last part of Appendix E, "Overview of water E1G-03  
rights, Death Valley  
National Park and proposed  
reservation sites for the Timbisha Shoshone," is  
missing from Volume 2  
of the LEIS.

The Draft LEIS was entered into the Federal P4-04  
Register on May 12, 2000,  
but was not available to the public  
through the internet until some time after that  
date.

The General Management Plan (GMP) for the Park has P2-05  
not yet been issued.  
Without this, the public is not  
able to adequately comment on this proposal.

The Inyo County Board of Supervisors was not made P4-06  
aware of the problems  
with the LEIS and the Timbisha  
Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for E2-07



a 30 day extension.

They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the E2-08 comment period be granted.

Respectfully,

Dave Giordano  
1519 Stuart St.  
Berkeley, CA 94703

My Goddess is among the  
wilderness  
My visions are strong and  
clear

<http://www.care2.com> - Homebase for people who care about the  
Environment!

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Author: Saline Preservation Association <spa@majorproduction.net> at np--internet

Date: 07/26/2000 9:43 AM

Normal

TO: DEVA Superintendent at NP-DEVA

CC: "Del. Donna Christian-Christensen" <donna.christensen@mail.house.gov> at NP--INTERNET

"Rep. Barbara Cubin" <barbara.cubin@mail.house.gov> at NP--INTERNET,

"Rep. Bruce Vento" <vento@mail.house.gov> at NP--INTERNET,

"Rep. Chris Cannon" <cannon.ut03@mail.house.gov> at NP--INTERNET,

"Rep. James Gibbons" <mail.gibbons@mail.house.gov> at NP--INTERNET,

"Rep. Jay Inslee" <jay.inslee@mail.house.gov> at NP--INTERNET,

"Rep. Joseph Crowley" <write2joecrowley@mail.house.gov> at NP--INTERNET,

"Rep. Mark Souder" <souder@mail.house.gov> at NP--INTERNET,

"Rep. Nick Rahall II" <nrahall@mail.house.gov> at NP--INTERNET,

"Rep. Richard Pombo" <rpombo@mail.house.gov> at NP--INTERNET,

"Rep. Ron Kind" <ron.kind@mail.house.gov> at NP--INTERNET,

"Rep. Rush Holt" <rush.holt@mail.house.gov> at NP--INTERNET,

"Rep. Tom Udall" <tom.udall@mail.house.gov> at NP--INTERNET,

"Rep. Walter Jones Jr." <congjones@mail.house.gov> at NP--INTERNET,

"Del. Eni Faleomavaega" <faleomavaega@mail.house.gov> at NP--INTERNET,

"Del. Robert Underwood" <quantodc@mail.house.gov> at NP--INTERNET,

House Resources Committee Info <resources.committee@mail.house.gov> at NP--INTERNET,

"Rep. Bob Schaffer" <rep.schaffer@mail.house.gov> at NP--INTERNET,

"Rep. Chris John" <christopher.john@mail.house.gov> at NP--INTERNET,

"Rep. Don Young" <don.young@mail.house.gov> at NP--INTERNET,

"Rep. Frank Pallone Jr." <frank.pallone@mail.house.gov> at NP--INTERNET,

"Rep. George Miller" <George.Miller@mail.house.gov> at NP--INTERNET,

"Rep. Grace Napolitano" <grace@mail.house.gov> at NP--INTERNET,

"Rep. Greg Walden" <greg.walden@mail.house.gov> at NP--INTERNET,

"Rep. Helen Chenoweth-Hage" <ask.helen@mail.house.gov> at NP--INTERNET,

"Rep. John Doolittle" <doolittle@mail.house.gov> at NP--INTERNET,

"Rep. Kevin Brady" <rep.brady@mail.house.gov> at NP--INTERNET,

"Rep. Mike Simpson" <mike.simpson@mail.house.gov> at NP--INTERNET,

"Rep. Neil Abercrombie" <neil.abercrombie@mail.house.gov> at NP--INTERNET,

"Rep. Owen Pickett" <owen.pickett@mail.house.gov> at NP--INTERNET,

"Rep. Patrick Kennedy" <patrick.kennedy@mail.house.gov> at NP--INTERNET,

"Rep. Peter DeFazio" <peter.defazio@mail.house.gov> at NP--INTERNET,

"Rep. Thomas Tancredo" <Tom.Tancredo@mail.house.gov> at NP--INTERNET,

Barbara Boxer <senator@boxer.senate.gov> at NP--INTERNET,

Dianne Feinstein <senator@feinstein.senate.gov> at NP--INTERNET,

sf.nancy@mail.house.gov at NP--INTERNET

Subject: S.2102 [Fwd: No Subject]

----- Message Contents

The Saline Preservation Association is forwarding the attached letter addressing concerns with Senate

Bill S.2102, which proposes the establishment of a Timbisha Shoshone Homeland within public lands

administered by the National Park Service and the Bureau of Land Management. We forward this

letter on behalf of its author, who is a member of the Saline Preservation Association.

This letter is being forwarded to:

Superintendent Dick Martin, of Death Valley National Park

Senators Feinstein and Boxer of California

The letter author's Congressional Representative and Senators

Members of the House Resources Committee (including the National Parks subcommittee)

--



Saline Preservation Association  
Box 1603  
Inyokern, California 93527

----- Original Message -----  
Subject: No Subject  
Date: Sat, 22 Jul 2000 16:14:04 EDT  
From: Rhonkaplan@aol.com  
To: spa@majorproduction.net

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Dear Mr. Martin:

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation.

P1-01

E1D-02

The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, "Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

E1G-03

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

P4-04

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

P2-05

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P4-06

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the TimbX-Mozilla-Status: 0009equest should be honored.

E2-07

Your proposed 10 day extension is MEANINGLESS. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted. E2-08

Respectfully,

Rhonda Kaplan  
1640 Kirkham St. #22  
S.F., CA. 94122spa@majorproduction.net

----- Headers -----  
Return-Path: <.spa@majorproduction.net>  
Received: from rly-yg01.mx.aol.com (rly-yg01.mail.aol.com  
[172.18.147.1]) by  
air-yg05.mail.aol.com (v75\_b1.4) with ESMTTP; Sat, 15 Jul 2000 16:36:58  
-0400  
Received: from mail.iwvisp.com (pop3.iwvisp.com [198.77.196.6]) by  
rly-yg01.mx.aol.com (v75.18) with ESMTTP; Sat, 15 Jul 2000 16:36:33 -0400  
Received: from majorproduction.net ([208.162.152.2]) by mail.iwvisp.com  
with ESMTTP (IPAD 2.52/64) id 9266400; Sat, 15 Jul 2000 13:37:03  
-0800  
Message-ID: <39709CBE.E90CC92A@majorproduction.net>  
Date: Sat, 15 Jul 2000 10:17:50 -0700  
From: Saline Preservation Association <.spa@majorproduction.net>  
X-Mailer: Mozilla 4.7 [en] (Win95; I)  
X-Accept-Language: en  
MIME-Version: 1.0  
To: Saline Mailer <.spa@majorproduction.net>  
Subject: deadline drawing near  
Content-Type: text/plain; charset=us-ascii  
Content-Transfer-Encoding: 7bit



Author: Burt Kleinberg <sharkbk@pacbell.net> at np--internet  
Date: 07/27/2000 9:25 AM  
Normal  
TO: DEVA Superintendent at NP-DEVA  
Subject: Shoshone Homelands LEIS

## ----- Message Contents

Thank you for sending the LEIS. My only comment is that there should be MG-01  
protections against development that preclude establishment of gambling  
casinos and other environmentally destructive businesses within the  
national park. It is unclear whether or not these protections are  
already law, or whether they will apply here.

Burt Kleinberg  
Carmel, California

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



**MARK G. ELLIS**  
 15811 CEDARFORT DRIVE  
 SANTA CLARITA, CA 91351-3602  
 (661) 299-2212

July 27, 2000

Mr. Richard H. Martin  
 Superintendent  
 Death Valley National Park  
 Post Office Box 579  
 Death Valley, CA 92328

**Re: *Timbisha Shoshone Homeland***  
***Draft Legislative Environmental Impact Statement***

Dear Superintendent Martin:

I appreciate the opportunity to provide written comments on the above-referenced *Draft Legislative Environmental Impact Statement* (Draft LEIS). As a member of the Death Valley National Park Advisory Commission, and frequent visitor to the Park, I have a continuing interest in public and private initiatives with the potential to affect the Park and its environment. These comments are provided in my individual capacity as an interested public citizen.

At the outset, I wish to make clear my support for the establishment of a permanent land base for the Timbisha Shoshone Tribe within their aboriginal homeland. I also wish to make clear my support for multiple use land management. Both concepts are reflected, in principal, in the Draft LEIS.

I understand the Draft LEIS is an outgrowth of the *Secretarial Report to Congress to Establish a Permanent Tribal Land Base and Related Cooperative Activities* (Secretarial Report). I was favorably impressed by the sensitivity for other potentially affected interests reflected in the Secretarial Report. Not only did the negotiating teams deal with each other on a government-to-government basis, but they also respected the vested interests of other affected parties in the process. This same sensitivity is carried forward in the Draft LEIS and I would like to go on record as supporting the proposed action alternative.

Quantification of reserved federal water rights associated with the transfer of lands identified in the proposed alternative is necessary. I understand that the Department of the Interior recently proposed amendments to S. 2102, a bill to establish a Timbisha Shoshone Homeland, specifically quantifying such federal reserved water rights. The proposed amendments are articulated in the legislation as approved by the Senate on July 20, 2000, specifically:

E1H-01

- 92 acre feet per annum of surface and ground water at Furnace Creek;
- 15.1 acre feet per annum of ground water at Death Valley Junction;



Mr. Richard H. Martin

July 27, 2000

Page 2

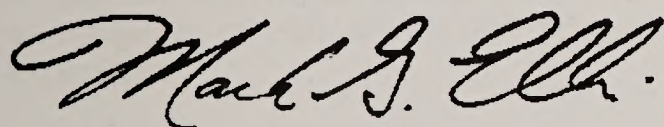
- an amount of ground water not to exceed 10 acre feet per annum at Centennial;
- 375.5 acre feet per annum of ground water at Scotty's Junction; and
- 14.7 acre feet per annum of ground water at Lida.

The legislation as approved by the Senate also reflects the Department's proposal that the priority of these federal water rights shall be junior to existing state and federal water rights, and that these water rights shall not be subject to relinquishment, forfeiture or abandonment.

In articulating the reserved federal water rights associated with the transfer of lands identified in S. 2102 as approved by the Senate, I am assuming the Department has concluded that such quantities are not inconsistent with the proposed action alternative contained in the Draft LEIS, nor with the limitations on impact on mining claims also contained in that legislation. As such, I likewise support the quantifications outlined and the priority assigned to such rights.

Thank you again for the opportunity to provide input on the Draft LEIS. Should you have any questions regarding these comments, or if I can be of further assistance in this matter, please feel free to contact me at (661) 299-2212.

Sincerely,



Mark G. Ellis



3750 El Canto Drive  
Spring Valley, CA 91977  
July 26, 2000

SUPERINTENDENT,  
Death Valley National Park  
PO Box 579  
Death Valley, CA 92328

Dear Sir:

Re: Timbisha Shoshone Homeland Project

Before I comment on the DLEIS, please permit me to make a basic statement, realizing that it not a subject of this document.

Section 705 (Title VII) of P.O. 103-433 sets of precedent of unknown proportion:

Sec. 705(a) mandates the Secretary of Interior temporarily close portions of any national park unit or wilderness at the request of an Indian Tribe or religious community to the general public, and,

Section 705(b) shall identify lands for a reservation (a sovereign nation).

Though this legislation identifies only the Timbisha Shoshone traditional homeland, there is the potential transfer of any portion/s of national park units and wilderness areas.

#### COMMENTS ON THE DLEIS

##### Maps

The maps in my document are not to scale and do not include identifying points of reference and, therefore, cannot be used for meaningful analysis. E1D-01

##### Tables

The List of Tables in the Table of Contents (no page #) does not match the Tables in my DLEIS. E1G-02  
The Tables in my document are:

- 1 Demographics
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Tables 1 and 13 are missing.

Of concern is Table 1, Cultural Resources

##### Eagle Mountain, CA

The identification of Eagle Mountain, CA needs clarification. There is the widely-known Eagle Mountain adjacent and within Joshua Tree National Park, known for challenges to the landfill(dump) for Los Angeles and BLM land exchanges. E1H-03



Water Resources

This section is a mishmash of assumptions, conjecture, commitments to lessees and concessionaires, water rights and inadequate and incomplete information on surface and subsurface hydrology. Missing is a reference to the U.S.G.S. Circular 1166, Denver, CO, 1999 "The Sustainability of Ground-water Resources".

E1D-04

Conflicts within the document

For, example: Page 16 indicates that traditional uses in Special Areas are granted immunity from non-derogation charges (2.2.1.3.3.) yet on pages 4 & 12, there are statements that there will be no derogation of park resources and values.

E1D-05

Inadequate and Incomplete sections

Availability of continued research within the Reservation - of great importance to universities, etc

E1D-06

Availability of Reservation lands for monitoring, enforcement and rehab/restore. Agreements and MOUs delegating authority/ies without identification or overview is unacceptable.

E1D-07

The whole question of land transfers without public review must be quantified as well as evaluated, particularly in light of the recent, scathing GAO report.

E1H-08

Obviously the financial records of the Reservation are off limits to the general public. However, the financial records and audits of Death Valley National Park must be made available.

E1H-09

The commercialization of "traditional cultural and religious activities" is not addressed:

E1D-10

- the ancient ones did not have guns, TV, motorized vehicles, etc
- nor did the ancient ones charge to watch or participate in traditional ceremonies
- the projected revenues from admissions, fees, grants, donations is not projected
- the obligations, liabilities, ad infinitum are not addressed in depth, i.e., if visitors to DNP who are not interested in the Reservation, are injured by visitors enroute or departing the Reservation
- percentage of revenues generated on/by the Reservation to be required by DNP, the NPS, Caltrans, Counties, etc
- the insulation of visitors to DNP from Reservation and their expectations for a national park experience

The FUTURE

The LEIS is rife with future actions, observations, measurements and predictions.

E1D-11

- There must be a point at which activities and programs within the Reservation are required (enforced) to comply with National Park Service standards. The Secretary or the President (Executive Order) shall protect the resources and integrity of DNP and Wilderness areas as well as visitors and staff.
- All references to future actions or decisions must identify the responsible person or agency and state a deadline or phased-plan dates

E1D-12

SUMMARY:

The above comments do not begin to address the many other problems, conflicts, omissions, et al.

The LEIS will require a major over-haul, if not a Supplemental EIS

Conflicts between Sec 705(a) and 705(b) need resolution at the administrative or Congressional level.

Respectfully submitted,

*Harriet Allen*  
Harriet Allen

\* P.S. I heard today that there is another water document of somekind. Please send a copy to me. Thanks



## LEIS-191A

Superintendent, Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

3750 El Canto Drive  
Spring Valley, CA 91977  
August 18, 2000

Dear Sir:

Please add these comments to my July 26, 2000 letter on the Timbisha Shoshone Homeland Project.

As indicated on the above date, the sections and Chapter on Water Resources was unacceptable. The Timbisha Water agreement should not be signed until the public testimony is complete and has been fully analyzed, even though the Senate passed S.2102 on July 19, 2000. Furthermore, all federal reserved water rights should be adjudicated and determined by the courts; not by participants. E1H-01

Water is essential to wildlife and their habitats as well as to people. Our Parks, Refuges and Critical Habitat Areas and Wildernesses and ACEC's and their inhabitants are dependent upon enforcement of water rights. And those rights include sub-surface/ground-water as well as surface resources. The sustainability of ground water cannot be glossed over with reports such as the "Technical Report: Darwin Water Supply and Lower Centennial Flat Water Resource Evaluation", nor can the fact that at least 4 of the springs used by Darwin are located within China Lake Test Range be ignored. What agency owns those water rights? W1-02

Take a quick look at the proposed Timbisha Project: Water demands vs needs; Future requirements. Scotty's Junction: The Timbishas want 375.5 afy. There are several small water right holders.

Probably 200 afy for the Timbishas would be acceptable. The DLEIS states: Monitoring procedures designed to provide early warning detection of potential adverse impacts on springs or other discharge areas within Death Valley would be needed..." pg 90

Furnace Creek: 92 afy (pg 88)

Death Valley Junction: 15.1 Afy plus probably a Section 404 Permit plus water quality treatment (pg 89)

Centennial: surface water available, i.e. Black Rock Springs. See Technical Report and pg 89.

Indian Rancheria: Water supplies are anticipated to be adequate if residential uses are limited (pg 88)

Lida Ranch: 15 afy Development would require "flood protection measures and would require fill in waters of U.S.. Moreover, and future development would be subject to the appropriate level of environmental review." (pg 90)

In order to put the water requests of the Timbisha Shoshone Homeland Project in proper perspective, I offer several pages from the U.S. Geological Survey Circular 1186. See Attachment A.

RECOMMEND: A complete review of water resources including information on aquifers and ground-water resources, and, that no water agreements be signed until there is a clear delineation of federal reserved water rights as per section 706 of PL 103-433. W1-03

In my July 26, 2000 letter, I failed to mention that the DLEIS should include INDIAN LANDS MAPS, or at least refer to them and the source: "Indian Tribes, Cultures and Languages," "Indian Land Areas," "Federal and Indian Lands," and "Indian Lands in the United States." from USGS at: phone: 1-888-275-8747

These maps suggest the scope/precedent being set by the Timbisha Shoshone Homeland Project in Death Valley National Park.

SUMMARY: A Supplemental Draft LEIS should be prepared for public review

Respectfully submitted as an addendum to comments of 7-26-00 (Attachment B)

E1H-04

Harriet Allen



Attachment **A1**

# Sustainability of Ground-Water Resources

U.S. Geological Survey Circular 1186

by William M. Alley  
Thomas E. Reilly  
O. Lehn Franke

Denver, Colorado  
1999

4.2 INDEX BY LEIS  
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3.0 PUBLIC COMMENT  
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# Sustainability of Ground-Water Resources

by William M. Alley  
Thomas E. Reilly  
O. Lehn Franke

## INTRODUCTION

Ground water is one of the Nation's most important natural resources. It provides about 40 percent of the Nation's public water supply. In addition, more than 40 million people, including most of the rural population, supply their own drinking water from domestic wells. As a result, ground water is an important source of drinking water in every State (Figure 1). Ground water is also the source of much of the water used for irrigation. It is the Nation's principal reserve of freshwater and represents much of the potential future water supply. Ground water is a major contributor to flow in many streams and rivers and has a strong influence on river and wetland habitats for plants and animals.

The pumpage of fresh ground water in the United States in 1995 was estimated to be approximately 77 billion gallons per day (Solley and others, 1998), which is about 8 percent of the estimated 1 trillion gallons per day of natural recharge to the Nation's ground-water systems (Nace, 1960). From an overall national perspective, the ground-water resource appears ample. Locally, however, the availability of ground water varies widely. Moreover, only a part of the ground water stored in the subsurface can be recovered by wells in an economic manner and without adverse consequences.

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*Ground water is one of the Nation's most important natural resources.*

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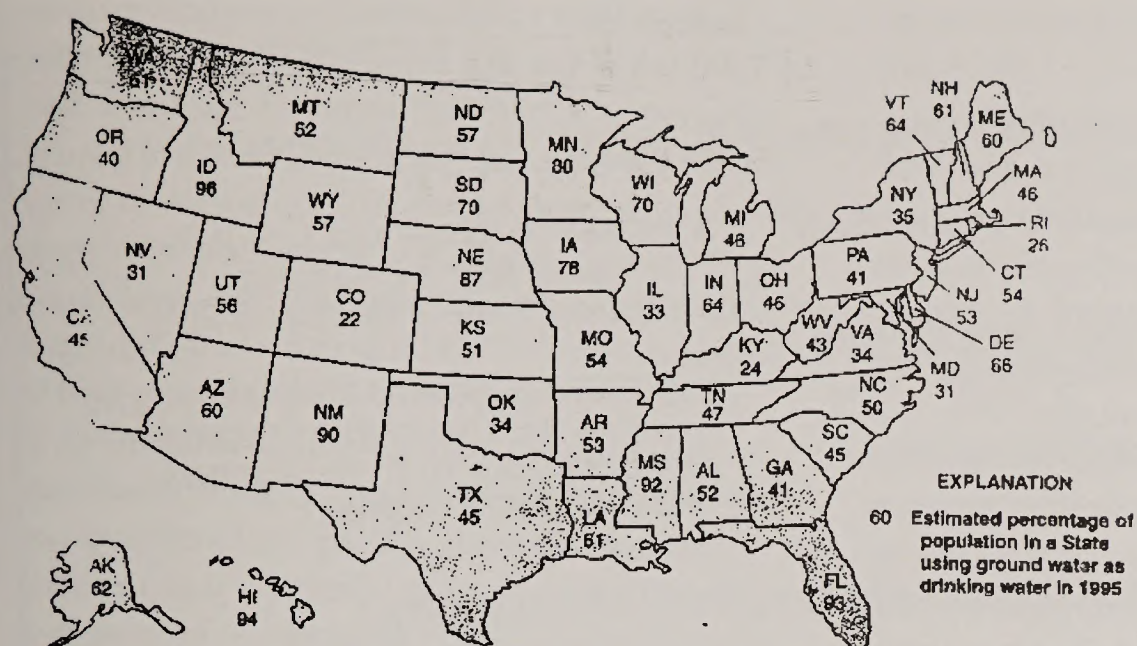


Figure 1. Ground water is an important source of drinking water for every State. (U.S. Geological Survey, 1998.)

The construction of surface reservoirs has slowed considerably in recent years (Figure 2). As surface-water resources become fully developed and appropriated, ground water commonly offers the only available source for new development. In many areas of the United States, however, pumping of ground water has resulted in significant depletion of ground-water storage. Furthermore, ground water and surface water are closely related and in many areas comprise a single

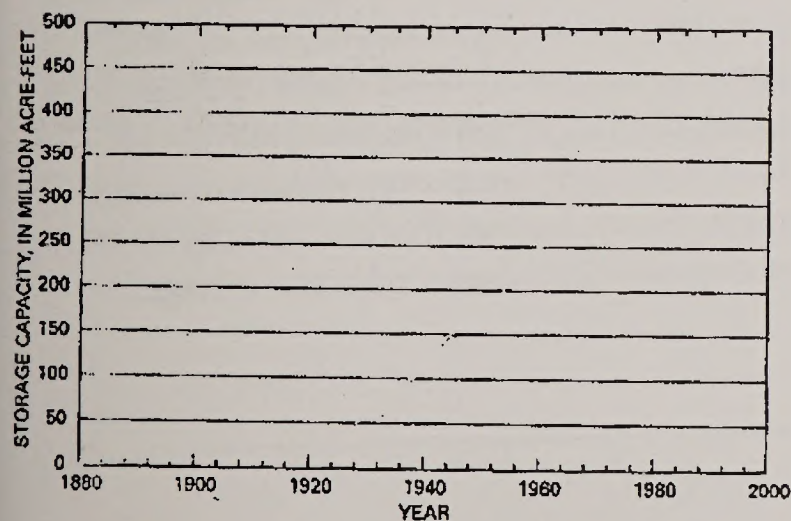


Figure 2. Total surface-water reservoir capacity in the conterminous United States from 1880 to 1990. (Modified from Solley, 1995.)

resource (Winter and others, 1998). Ground-water pumping can result in reduced river flows, lower lake levels, and reduced discharges to wetlands and springs, causing concerns about drinking-water supplies, riparian areas, and critical aquatic habitats. Increasingly, attention is being placed on how to manage ground water (and surface water) in a sustainable manner (Downing, 1998; Sophocleous, 1998; Gelt and others, 1999).

Resource sustainability has proved to be an elusive concept to define in a precise manner and with universal applicability. In this report, we define ground-water sustainability as development and use of ground water in a manner that can be maintained for an indefinite time without causing unacceptable environmental, economic, or social consequences. The definition of "unacceptable consequences" is largely subjective and may involve a large number of criteria. Furthermore, ground-water sustainability must be defined within the context of the complete hydrologic system of which ground water is a part. For example, what may be established as an acceptable rate of ground-water withdrawal with respect to changes in ground-water levels may reduce the availability of surface water to an unacceptable level. Some key goals related to ground-water sustainability in the United Kingdom are listed in Figure 3. These goals apply equally well in the United States.



### THE PRIORITIES FOR GROUND-WATER MANAGEMENT

- SUSTAINABLE LONG-TERM YIELDS FROM AQUIFERS
- EFFECTIVE USE OF THE LARGE VOLUME OF WATER STORED IN AQUIFERS
- PRESERVATION OF GROUND-WATER QUALITY
- PRESERVATION OF THE AQUATIC ENVIRONMENT BY PRUDENT ABSTRACTION OF GROUND WATER
- INTEGRATION OF GROUND WATER AND SURFACE WATER INTO A COMPREHENSIVE WATER AND ENVIRONMENTAL MANAGEMENT SYSTEM

### TO PROTECT A PRICELESS NATIONAL ASSET

Figure 3. Vision statement of priorities for ground-water management in the United Kingdom. (Modified from Downing, 1998.)

Perhaps the most important attribute of the concept of ground-water sustainability is that it fosters a long-term perspective to management of ground-water resources. Several factors reinforce the need for a long-term perspective. First, ground water is not a nonrenewable resource, such as a mineral or petroleum deposit, nor is it completely renewable in the same manner and timeframe as solar energy. Recharge of ground water from precipitation continually replenishes the ground-water resource but may do so at much smaller rates than the rates of ground-water withdrawals. Second, ground-water development may take place over many years; thus, the effects of both current and future development must be considered in any water-management strategy. Third,

the effects of ground-water pumping tend to manifest themselves slowly over time. For example, the full effects of pumping on surface-water resources may not be evident for many years after pumping begins. Finally, losses from ground-water storage must be placed in the context of the period over which sustainability needs to be achieved. Ground-water withdrawals and replenishment by recharge usually are variable both seasonally and from year to year. Viewing the ground-water system through time, a long-term approach to sustainability may involve frequent temporary withdrawals from ground-water storage that are balanced by intervening additions to ground-water storage.



15

Three terms that have long been associated with ground-water sustainability need special mention; namely, safe yield, ground-water mining, and overdraft. The term "safe yield" commonly is used in efforts to quantify sustainable ground-water development. The term should be used with respect to specific effects of pumping, such as water-level declines, reduced streamflow, and degradation of water quality. The consequences of pumping should be assessed for each level of development, and safe yield taken as the maximum pumpage for which the consequences are considered acceptable. The term "ground-water mining" typically refers to a prolonged and progressive decrease in the amount of water stored in a ground-water system, as may occur, for example, in heavily pumped aquifers in arid and semiarid regions. Ground-water mining is a hydrologic term without connotations about water-management practices (U.S. Water Resources Council, 1980). The term "overdraft" refers to withdrawals of ground water from an aquifer at rates considered to be excessive and therefore carries the value judgment of overdevelopment. Thus, overdraft may refer to ground-water mining that is considered excessive as well as to other undesirable effects of ground-water withdrawals.

In some situations, the focus of attention may be on extending the useful life of an aquifer as opposed to achieving long-term sustainability. This situation—for which the term ground-water mining is perhaps most fitting—is not addressed

specifically in this report; however, many of the same hydrologic principles that we discuss herein still apply.

This introductory discussion indicates that the concept of ground-water sustainability and its application to real situations is multifaceted and complex. The effects of many human activities on ground-water resources and on the broader environment need to be clearly understood.

We begin by reviewing some pertinent facts and concepts about ground water and some common misconceptions about water budgets and ground-water sustainability. Individual chapters then focus on the interactions between ground water and surface water, on ground-water storage, and on ground-water quality as each aspect relates to the sustainability of ground-water resources. We conclude by discussing the importance of ground-water data, uses of ground-water models, and strategies to meet the challenges posed in assuring sustainable use of ground-water resources.

Throughout the report, we emphasize that development of ground-water resources has consequences to hydrologic and related environmental systems. We discuss relevant concepts and field examples in the body of the text, and provide more technical discussion of special topics and additional field examples in "boxes." An exception is the next special section, "General Facts and Concepts about Ground Water." Many readers familiar with ground-water concepts will want to go directly to the chapter on "Ground-Water Development, Sustainability, and Water Budgets."



# GROUND-WATER DEVELOPMENT, SUSTAINABILITY, AND WATER BUDGETS

A ground-water system consists of a mass of water flowing through the pores or cracks below the Earth's surface. This mass of water is in motion. Water is constantly added to the system by recharge from precipitation, and water is constantly leaving the system as discharge to surface water and as evapotranspiration. Each ground-water system is unique in that the source and amount of water flowing through the system is dependent upon external factors such as rate of precipitation, location of streams and other surface-water bodies, and rate of evapotranspiration. The one common factor for all ground-water systems, however, is that the total amount of water entering, leaving, and being stored in the system must be conserved. An accounting of all the inflows, outflows, and changes in storage is called a water budget.

Human activities, such as ground-water withdrawals and irrigation, change the natural flow patterns, and these changes must be accounted for in the calculation of the water budget. Because any water that is used must come from somewhere, human activities affect the amount and rate of movement of water in the system, entering the system, and leaving the system.

Some hydrologists believe that a pre-development water budget for a ground-water system (that is, a water budget for the natural conditions before humans used the water) can be used to calculate the amount of water available for consumption (or the safe yield). In this case, the development of a ground-water system is considered to be "safe" if the rate of ground-water withdrawal does not exceed the rate of natural recharge. This concept has been referred to as the "Water-Budget Myth" (Bredenhoeft and others, 1982). It is a myth because it is an oversimplification of the information that is needed to understand the effects of developing a ground-water system. As human activities change the system, the components of the water budget (inflows, outflows, and changes in storage) also will change and must be accounted for in any management decision. Understanding water budgets and how they change in response to human activities is an important aspect of ground-water hydrology; however, as we shall see, a predevelopment water budget by itself is of limited value in determining the amount of ground water that can be withdrawn on a sustained basis.



# WATER-QUALITY FACTORS AFFECTING GROUND-WATER SUSTAINABILITY

Previous chapters have discussed quantities of water recharging, flowing through, and discharging from the ground-water system and quantities of water stored in the system. This brief discussion of ground-water quality adds a further dimension to ground-water resource sustainability; namely, the question of the suitability of ground water for different uses. Various measures of water quality such as taste and odor, microbial content, and dissolved concentrations of naturally occurring and manufactured chemical constituents define the suitability of water for different uses.

The availability of ground water and the suitability of its quality for different uses are inextricably intertwined. To take an extreme example, salt brines having very high dissolved-solids concentrations occur adjacent to fresh ground water almost everywhere. Although brines represent huge volumes of ground water in storage, these brines are not included in most inventories of available ground water because of their inherent unsuitability for almost all uses. Ground waters having somewhat lower

dissolved-solids concentrations may be suitable for some uses but not for others. For example, some cattle can tolerate a higher dissolved-solids concentration in their drinking water than humans.

A key consideration in managing a ground-water resource is its vulnerability to sources of contamination that are located primarily at and near the land surface. Because of generally low ground-water velocities, once contaminants have reached the water table, their movement to nearby surface-water discharge areas or to deeper parts of the ground-water-flow system is slow. For the same reason, once parts of an aquifer are contaminated, the time required for a return to better water-quality conditions as a result of natural processes is long, even after the original sources of contamination are no longer active. Ground-water-quality remediation projects generally are very expensive and commonly are only partly successful. In some settings, steep gradients caused by ground-water pumping can greatly increase the rate at which contaminants move to deeper ground water. For these reasons, State and Federal environmental

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agencies seek to protect the ground-water resource by stressing regulatory efforts to prevent ground-water contamination.

Contamination of ground water is not always a result of the introduction of contaminants by human activities. Possible natural contaminants include trace elements such as arsenic and selenium, radionuclides such as radon, and high concentrations of commonly occurring dissolved constituents.

The first two subsections below involve two of the most significant linkages in hydrology—the land-surface/water-table connection and the ground-water/surface-water connection. The third subsection, saltwater intrusion, involves movement of naturally occurring, highly saline ground water into parts of adjacent aquifers that contain less saline water. Pumping of the less saline (commonly potable) ground water generally causes this movement.

## Land-Surface /Water-Table Connection

In principle, virtually any human activity at and near the land surface can be a source of contaminants to ground water as long as water and possibly other fluids move from the land surface to the water table. Sources of chemicals introduced to ground water in this way include fertilizers, manure, and pesticides applied to agricultural lands; landfills; industrial-discharge lagoons; leaking gasoline storage tanks; cesspools and septic tanks; and domestically used chemicals. These sources commonly are classified as "point" or "nonpoint" sources. For example, industrial lagoons, leaking storage tanks, and landfills are considered to be point sources. A considerable number of these sources and associated contaminant plumes have undergone intensive studies followed by a remediation program. Many of the chemicals associated with point sources—for example, gasoline and other manufactured organic chemicals—even at very low concentrations,

render the contaminated ground water highly undesirable or useless as a source of domestic or public supply.

Croplands are a primary nonpoint source of contamination because of their large areal extent and significant applications per unit area of possible contaminants (fertilizers and pesticides) to ground water. Irrigated agriculture also has noteworthy effects on ground-water (and surface-water) quality. Increased areal recharge from excess irrigation-water applications results in the potential for increased transport of contaminants from the land surface to ground water. Also, a marked increase in dissolved-solids concentrations in soil water and shallow ground water may result from evaporation of irrigation water during delivery of the water to the crops and from transpiration of the applied water by the crops. In addition to cropland, agricultural activities include numerous point sources such as animal feedlots, waste lagoons, and storage sheds for agricultural chemicals.



## Concluding Remarks

In conclusion, we would like to emphasize the following interrelated facts and concepts:

- The most important and most extensively discussed concept in this report is that volumes of water pumped from a ground-water system must come from somewhere and must cause a change in the ground-water system. Possible sources of water for pumpage are (1) more water entering the ground-water system (increased recharge), (2) less water leaving the system (decreased discharge), and (3) removal of water that was stored in the system.
- One of the critical linkages in both unstressed and stressed ground-water systems is between ground water and surface water. Pumping water from aquifers that are hydraulically connected with surface-water bodies can have a significant effect on those bodies by reducing ground-water discharges to surface water and possibly causing outflow from those bodies into the ground-water system. Thus, an evaluation of ground-water management strategies needs to involve consideration of surface-water resources, including closely related biological resources.
- A key feature of some aquifers and ground-water systems is the large volume of ground water in storage, which allows the possibility of using aquifers for temporary storage, that is, managing inflow and outflow of ground water in storage in a manner similar to surface-water reservoirs.
- From the standpoint of water use and water management, all ground water is not equal—the suitability of water, as measured by its quality, is a key consideration in developing water-management strategies. Furthermore, determining water suitability (or unsuitability) requires detailed information on the three-dimensional distribution and concentrations of potential contaminants, both naturally occurring contaminants and those resulting from human activities.
- Continuing large withdrawals of water from an aquifer often result in undesirable consequences. The most common of these consequences have been discussed throughout this report. From a management standpoint, water managers, stakeholders, and the public must decide the specific conditions under which the undesirable consequences can no longer be tolerated.
- The effects of ground-water development may require many years to become evident. Thus, there is an unfortunate tendency to forego the data collection and analysis that is needed to support informed decision making until well after problems materialize.
- Evaluation of possible ground-water management approaches (a) depends on the continuing collection, archiving, and analysis of a broad range of different types of information, and (b) can be assisted by well-designed computer simulation models.



Worksheet B1

3750 El Canto Drive  
Spring Valley, CA 91977  
July 26, 2000

SUPERINTENDENT,  
Death Valley National Park  
PO Box 579  
Death Valley, CA 92328

Dear Sir:

Re: Timbisha Shoshone Homeland Project

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B2

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- nor did the ancient ones charge to watch or participate in traditional ceremonies
- the projected revenues from admissions, fees, grants, donations is not projected
- the obligations, liabilities, ad infinitum are not addressed in depth, i.e., if visitors to DVNP who are not interested in the Reservation are injured by visitors enroute or departing the Reservation
- percentage of revenues generated on/by the Reservation to be required by DVNP, the NPS, Caltrans, Counties, etc
- the insulation of visitors to DVNP from Reservation and their expectations for a national park experience

The FUTURE

The DLEIS is rife with future actions, observations, measurements and predictions.

- There must be a point at which activities and programs within the Reservation are required (enforced) to comply with National Park Service standards. The Secretary or the President (Executive Order) shall protect the resources and integrity of DVNP and Wilderness areas as well as visitors and staff.
- All references to future actions or decisions must identify the responsible person or agency and state a deadline or phased-plan dates

SUMMARY:

The above comments do not begin to address the many other problems, conflicts, omissions, et al.

The DLEIS will require a major over-haul, if not a Supplemental EIS

Conflicts between Sec 705(a) and 705(b) need resolution at the administrative or Congressional level.

Respectfully submitted,

Harriet Allen





**BOARD OF COUNTY COMMISSIONERS**  
ESMERALDA COUNTY, NEVADA

## MEMBERS

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GARY O'CONNOR, VICE CHAIRMAN  
HARRIET EALEY, LIQUOR BOARD

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BEVERLY J. RELYEA  
ADMINISTRATIVE ASSISTANT  
(775) 485-3406 FAX: (775) 485-6351

July 28, 2000

Superintendent  
Death Valley National Park  
Post Office Box 579  
Death Valley, California 92328

Dear Sir;

Please find enclosed the comments on the **Draft Legislative Environmental Impact Statement, Timbisha Shoshone Homeland** published by the United States Department of the Interior. Esmeralda County appreciates the opportunity to make comment and look forward to the further collaboration.

Sincerely,

Benjamin Viljoen, Chairman  
Esmeralda County Commission

Cc: U. S. Senator Harry Reid  
R. Michael Turnipseed, State of Nevada Division of Water Resources  
Robert Hadfield, Nevada Association of Counties



**Esmeralda County, State of Nevada  
Comments for:**

**DLEIS: TIMBISHA SHOSHONE HOMELAND**

The Executive Summary: S.1 Introduction document states "The LEIS analyzes the alternatives and their potential effects on the human environment", however the impact of no water in the town of Gold Point, Esmeralda County is not included. If all water rights are transferred to the Timbisha alleviating negotiation with county government the town of Gold Point will not have a water supply. Negotiations have been requested by Esmeralda County. The Document does not include county government as an entity to negotiate terms with. The Tribe, BLM, NPS, USFWS, are all that are recognized for agreements/negotiations.

The document does specify in Section 3.1 "...cooperative agreements considered by ....would be subject to all applicable federal laws, executive orders, departmental guidelines, bureau policies and practices." State and Local Governments whose loss of tax based lands and water rights are not included, nor mention of State Division of Water Resources rules and regulations, upon which historically this land and residents have had to comply with since Statehood in 1864.

S.2.2 of the Summary and document propose the transfer of approximately 7,240 acres of land currently managed by BLM... for the Tribe. Esmeralda County has no objection whatsoever for the transfer, we welcome the additional residents to our area. The replacement of the land taken from the tax rolls of Esmeralda County i.e. "purchase of Lida Ranch" (2,340 acre ranch) is hereby requested to be replaced acre-dollar for acre-dollar from existing BLM managed land within Esmeralda County. Esmeralda County is drastically impacted by the loss of centrally assessed values and non-existent proceeds of mines, therefore the loss of private assessed tax based land is detrimental to the continuation of county government.

The proposed action includes authorization to purchase from a willing seller the land and appurtenant water rights or water rights held separately, in conjunction with the parcel located at Lida Ranch. The water rights presently are used as sole source for the unsurveyed town of Gold Point and historically as the backup water source for Goldfield, Nevada. These impacts are not shown in the document. Negotiations and/or agreements have been requested without avail for these continued water rights at no charge or decline to residents in Esmeralda County.

Executive Summary: S.3.3 Water Resources states "a small number of water rights are held by landowners in the vicinity of Scotty's Junction." Without reference to reserving the prior water rights or collaborative agreements for the same within Esmeralda, Inyo, or Nye county.

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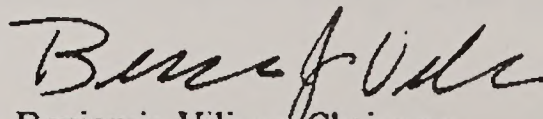


The National Park Service is afforded negotiations and "reserves" its water right "...with respect to each wilderness area designated by this Act." Therefore, it is our belief that the counties: Esmeralda and Nye, Nevada and Inyo County, California should be afforded the same reservation of water rights and/or cooperative agreements authorized for joint acceptance.

S.3.4 Socioeconomic and Environmental Justice section states "Overall, the three counties are proportionate.... the close similarity of the population composition and other socioeconomic characteristics between the three counties, it is unlikely that any population of community would experience any proposal-related social or economic effects in a disproportionate manner." The centrally assessed value of each of the affected Counties would show the drastic difference and possible socioeconomic and environmental effects. Social and economic factors: can they be compared? Inyo County is basically several resort areas with a multitude of economic facilities, National Park (Death Valley), and is the thriving area for recreation and the main economic/agricultural area on California highway 395. Northern Nye County and Esmeralda County Nevada are failing mining counties of the early 20<sup>th</sup> century without resources and economic development. Southern Nye County is the bedroom community for Las Vegas, Nevada the fastest growing city in the United States as pointed out in the document. This community therefore is booming; leaving the rest of the area as a dying entity. This document does not realistically represent the Socioeconomic and Environmental Justice. In example Esmeralda County is fighting to keep the elementary schools open due to low attendance, new attendance would be vital toward retaining our current system and district. This is a socioeconomic effect that would have drastic results within the area. SE-06

**Section 3.5: Mining and Mineral Interests:** This portion of the document does not mention any mining in areas other than Death Valley. Section 2.4 Alternatives considered but not brought forward for analysis: states "approximately 80 acres were removed from the consideration due to extent mining claims". Esmeralda County strongly suggests ALL mining opportunities continue to be left open for economic enhancement. Mining is a historical activity in this Lida area as well as in Death Valley which could create a socioeconomic effect on all parties involved. MG-07

Esmeralda County, State of Nevada would like to express our gratitude for the opportunity to comment on the Draft Legislative Environmental Impact Statement, Timbisha Shoshone Homeland.



Benjamin Viljoen, Chairman  
Esmeralda County Commission  
P. O. Box 517  
Goldfield, Nevada 89013



## LEIS-193

George Poore  
box # 298, Calpella,  
Ca, 95418

July 20, 2000

Dick Martin,  
Superintendent,  
Death Valley National Park

Dear sir:

I am writeing to express my concern regarding the Timbisha Homeland Proposal. First, I am opposed to establshing an Indian Reservation on a National Park. Nothing I have seen so far provides any safeguards to protect public access to these areas. My strongest concerns are of the Saline Valley Warm Springs. It is obvious that the Tribal Government will exclude the public from these springs. They have expressed their strong views on this matter. Second, the LEIS is deficient. The maps are vague and it is not possible to identify specific locations using them. That there was no full EIS points suspiciously towards a "The fix is in" situation which is not the way, I feel, that a National Park issue should be handled. That the letters of public comment were not shown to the Indian Affairs Committee is a complete breach of trust.

I am requesting an extention of the LEIS comment period beyond the August 1, 2000 date as,

1, The public cannot fully evaluate the <sup>LEIS</sup> LE until the Revised General Management Plan for Death Valley National Park is available later this summer.

2. I have not received Volume 2 of the LEIS yet and so cannot compare it with Volume 1 for accuracy, truthfulness, and conflicting statements.

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3. The public should be notified in a timely and consistent manner, yet I have not received Vol 2 and neither has my local library.

4. From careful study of the maps in vol 1, I find the maps to be inaccurate in regards to the Rancheria area. There is no available documented use of this area nor of the Saline Warm Springs. The Warm Springs are some 10 miles distant by airplane and further by road.

E1D-08

5. Conflicting statements with regard to the level of use of the proposed Indian Rancheria need to be resolved. Pages 14, 93, 95, and 97 contain level of use statements which are vague, and contradictory.

E1D-09

6. There is a very large discrepancy in the acreage figures between the Park service and those of the B.L.M.. We must make the appropriate members of Congress aware of this.

E1D-10

7. Available sources show no record of use by the tribe of the springs but we, the public, do have a history of use which should continue.

HU-11

8. No scientific studies have been made at the Warm Springs or rancheria sights of plant or animal life. These sights are very different, and yet, the LEIS treats them as being identical.

WL-12

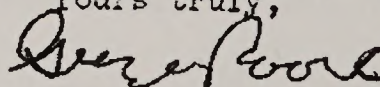
9. Water studies, or the lack of them for Centennial Flat, Cosos, and Darwin must be addressed before even limited development can be allowed to occur. This is a serious defect in the LEIS and needs attention.

W2-13

These facts lead me to be opposed to transferring the Saline Warm Springs to the Timbisha for joint management with the Park Service.

cc: Rep. Mike Thompson  
Sen. D. Feinstein  
Sup. Dick Martin  
S.P.A. T. Ganner  
Sen. E. Boxer

Yours truly,

  
George Poore



1734 Swan St.  
San Diego, CA 92112-0241

LEIS-194

Mr. Dick Martin  
Superintendent  
Death Valley National Park  
Death Valley, CA 92328

Dear Mr. Martin,

After reading and re-reading the Draft Legislative Environmental Impact Statement (LEIS) on the proposed Timbisha-Shoshone Homeland, I feel compelled to offer a few comments and to ask a few questions concerning the obvious inconsistencies, inequities, half-truths and downright lies that are contained therein.

These are the main issues I'm questioning.

1. Whether it is in the public's best interest for Congress to mandate that National Park Lands which are not part of an Indian reservation shall be, in perpetuity, jointly managed by the Tribe, NPS, BLM, et. placing tribal wishes and needs above the wishes and needs of infinitely larger broader public and possibly above scientific criteria. M1-01

2. Whether legislation should protect the Tribe's usage and access to public lands while containing no language to protect the general public's existing usage and access. M1-02

3. Whether the Tribe should be given the basic right to be considered in management decisions when the broader public is not accorded that same right. M1-03

In my book it is an open and shut case. The Timbisha-Shoshone deserve a homeland. Everyone pretty much seems to be in agreement about this. My concerns lie with the manner in which Congress, the NPS, BLM, DOI, etc. are attempting to accomplish this. Here are some of the problems:

The distinction between tribal and public lands is blurred. The National and Cultural Preservation Area (NCPA) isn't a reservation or land transfer, yet the LEIS makes it clear that management decisions within the approximately 1.5 million acres (not 750,000 as stated) of Death Valley National Park will be made on the basis of what is to the Tribe's benefit. M1-04

There is no provision in the LEIS requiring that cooperative agreements include or even acknowledge the general public. In fact, throughout the LEIS the apparent intent seems to be that the very existence of the general public is viewed as inconsequential at best and is to be in fact excluded from the real decision making process. This is not conjecture on my part. The LEIS refers to the entire areas as subject to a jointly established management plan mutually agreed upon by the Tribe and by the NPS or the BLM. The LEIS further reinforces this public exclusion by specifying government to government consultations for these purposes. What this means is that approximately one half of Death Valley National Park would become a de-facto Indian Reservation. Is this in the broader public interest? Is this what a national park should be - a natural area set aside for the exclusive use of (and managed by) a tiny portion of the public? (And a non-representative portion of the general public at that!) Even though the Tribe's expected usage of the NCPA is described as non-exclusive, the descriptions the LEIS describes seems to contradict this. Reading between the lines, I believe I see the implied intention for greater exclusivity in the future. Nowhere does the LEIS provide any means for resolving possible public grievances should they arise. In fact the implication is that the input of the general non-Indian public is both inconsequential and unwanted. Apparently none of the members of the Senate Indian Affairs Committee who reviewed the Homeland Proposal saw any of the letters written by a concerned public. It seems as if the only Americans with a voice are the native Timbisha-Shoshone who according to Part 3.2.1 of the LEIS number just 279 Tribal Members. Contrast this to the approximately 240 million plus other Americans who have had (until now) Death Valley National Park available for their recreational, cultural and spiritual enjoyment. Will we soon be speaking of this in the past tense? M1-05



This same preferential treatment extends to hiring practices in the Act. For certain socio-economic goals to be met, affirmative action has been a valuable tool; but the NPS needs to be in compliance with existing Federal laws as it accords favored status to Tribal Members. How do we know when quotas have been met? Who sets the quotas? How do we exit this program when the goals are met? SE-06

Another cause for concern are the sites mentioned for co-management. Although it might appear at first glance that there are only a couple of small areas involved, their importance lies in the fact that whatever entity controls these sites controls the entire area. Since the sites are popular with both Indians and non-Indians, it is vital that input from everyone be considered. M1-07

I am also greatly concerned by the sloppy work done in compiling the LEIS - and the time line surrounding it. Inconsistencies, inaccuracies and omissions are to be expected when the normal time frame for compiling and reviewing a document like the LEIS is so abbreviated. Why is this proposal on the fast track? A LEIS normally takes a couple of years to prepare. This was hastily done in 5 months. Public comment periods are ridiculously short-perhaps because the comments aren't going to be considered anyway? No grievance procedures exist - environmental or otherwise. What if private landholders are not willing sellers as represented in the LEIS (and many who are not)? Why is this act so heavily weighted in favor of the Tribe? Without some provisions for truly equal representation of the concerned public, what will happen when he or she encounters the tremendous force of the Federally supported legal assistance the Tribe enjoys? The answer should be obvious. E1D-08

One final question. Why can't the NPS currently include the Tribe in cooperative agreements for specific sites without a congressional mandate? I'll bet the Tribe could be guaranteed access to and usage of its traditional resources in the entire park under existing federal law. I'll bet this could be done without actually excluding public involvement in determining the usage of our presumably shared lands. M1-09

In conclusion, I urge you to:

1. Grant a meaningful extension of the public comment period - say 3 to 6 months. The wholly impotent one week extension serves no useful purpose as far as public input is concerned, but it does serve as a reminder of how totally unresponsive our government can be to the needs of its citizens. Below are the reasons for my request. E2-10

1) LEIS cannot be fully evaluated until the revised General Management Plan (GNP) for Death Valley National Park is available. The GW is due to be issued later this summer. P2-11

It will take time to compare the many false, conflicting, and ambiguous statements in the LEIS Vol. 1 with documentation in Vol. 2, and to check the claims against independent sources.

The public was not notified in a timely and consistent manner: Volume I of the LEIS was mailed to some of the people on the distribution list, but Volume 2, which contains the documentation of the claims made in Vol. 1, was not routinely mailed. The LEIS was supposed to be available in public libraries in the affected communities, but it is not in many of these libraries. The LEIS was not posted on line in a timely manner. Many interested people were not notified of the public meetings held the week of June 12. P4-12

2) The LEIS is geographically inaccurate. E1D-13

Geographic areas are inaccurately or vaguely described, or their location is not identified at all as in the case of the "Indian Rancheria." The Tribe proposes to purchase two privately owned parcels in Saline Valley designated as the "Indian Rancheria." The LEIS states that the Timbishas' long-standing (but undocumented) occupation of the "Rancheria" is "proof" of the Tribe's interest in the Springs, which are in fact almost ten miles away, as the crow flies. The owners of the parcels in question were not contacted during the writing of the LEIS. The owner of one of the parcels, Marilyn Moyer, is NOT willing to sell her parcel, and we have reason to believe the other owners are not willing to sell either.

The LEIS claims that 750,000 acres were originally considered for designation as the Natural and Cultural Preservation Area, but a more accurate estimate, verified by the local BLM office, is closer to 1.5 million acres.

Members of Congress will not be aware of these inaccuracies, but those of us familiar with the areas in question know how deceptive the geographic descriptions are.

3) The LEIS Contains Conflicting Statements. E1D-14



For example:

p. 14 INDIAN RANCHERIA [Saline Valley, near Hunter Canyon]:

"The level of use is envisioned to be residential at approximately the same level that has existed in the past. In addition there may be a small joint NPS/Tribal office for visitor information and resource management for the Saline Valley portion of the Park"

p. 93 INDIAN RANCHERIA:

"Limited economic activities are anticipated at the Rancheria parcels."

p. 95 INDIAN RANCHERIA:

"Specific land uses are not identified for the Indian Rancheria parcels."

p. 97 INDIAN RANCHERIA:

"No specific development is anticipated at the Indian Rancheria."

4) Historical Claims Are Poorly Documented.

The Timbisha claim that they have a history of using the Springs for healing and ceremonial purposes. The main document they cite, by anthropologist/contractor Catherine Fowler, is not available for examination by the public. Available historical sources do not document this claim by the Timbisha. HU-15

p. 16 SALINE VALLEY SPRINGS

"The Tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated springs. SV-16

"The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the tribe to the area. The Tribe and NPS wish to establish a greater tribal presence at the springs and will conduct a pilot demonstration project regarding management of the springs."

5) Flawed or Nonexistent Science.

No on-the-ground inventory of plant and wildlife communities was done as part of the LEIS. Descriptions of plant communities at the Rancheria and the Springs are inaccurate and/or incomplete, and are treated as if the areas are identical. Anyone who is familiar with the Springs knows this to be entirely inaccurate. (See p.67 INDIAN RANCHERIA.) E1D-17

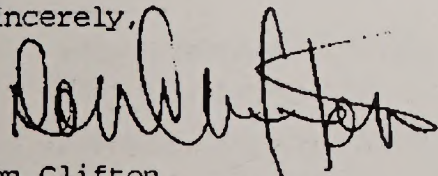
6) Absence of Water Studies. W2-18

Another troubling example of inadequate science is the absence of water studies on Centennial Flat, where pumping of groundwater may have an impact on the spring in the Cosos that supplies the town of Darwin via a 7-mile pipeline. This concern is dismissed in the LEIS with the following deceptive paragraph:

p. 89 CENTENNIAL: "Water is available to the parcel from surface water sources (at Black Rock Springs, south of the parcel) and groundwater (an exploratory well, which encountered water, was installed approximately 1 mile north of the parcel boundary). Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat. Geologic and hydrologic data do not support this assertion but adverse effects on groundwater availability at Darwin cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality. Small-scale withdrawals associated with limited residential uses would not be expected to adversely affect supplies at Darwin."

The problem with this paragraph is that there are no wells in Darwin, nor any groundwater! The "exploratory well" on Centennial Flat has not been pumped and it is unknown whether it will supply any water, or what impact withdrawals of water will have on wildlife plants, the town of Darwin and other holders of water rights. Although Centennial Flat is not part of Saline Valley, the dishonest discussion of this parcel in the LEIS is strong evidence that the document is defective.

Sincerely,



Don Clifton

cc: Diane Feinstein  
Barbara Boxer  
Bob Filner



LEIS-195

Mary Helen & Shuford Smith  
253 Judge Road  
Tryon, NC 28782  
(828) 859-9504  
maraford@alltel.net  
July 27, 2000

Dick Martin, Superintendent  
Death Valley National Park  
P. O. Box 579  
Death Valley CA 92328

Dear Superintendent Martin,

Thank you and your staff for sending a copy of the draft Legislative Environmental Impact Statement (LEIS) on the Timbisha Shoshone Homeland.

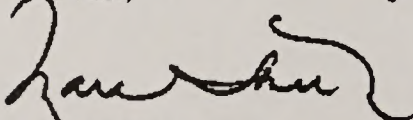
We have reviewed the draft from the perspective: Does this make sense from the standpoint of the American taxpayer?

Although we agree that it makes sense to create a reservation for the Timbisha Shoshone, we think it makes no sense to take land that is already designated for geological, environmental, and cultural reasons as Death Valley National Park. Set aside other governmental land (Bureau of Land Management) or purchase private land to create a place for this approximately 250-member tribe. M1-01

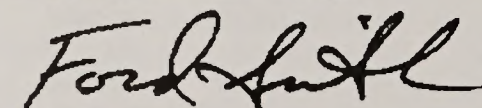
For cultural sites within the jurisdiction of the U.S. Fish and Wildlife Service and the National Park Service, have the tribe enter into agreements that allow authenticated tribe members access to certain sites at specific times to carry on tribal traditions—for example, digging red ochre at Furnace Creek for burials or performing personal cleansing ceremonies at one of the hot springs in Saline Valley. These ancestral rites could be carried out in favorable weather one or two weeks—perhaps, one week in the spring and another week in the fall—leaving these sites open to the American public the other fifty weeks of the year. Such agreements would earn the respect of all. The sites, however, would remain under the management of the affected government service at all times.

It's impressive that four members of the Timbisha Shoshone Tribe have brought this matter this far. We wish them well. And, we wish a resolution that is favorable to all Americans.

Our best,



Mary Helen "Mara" Smith



Shuford "Ford" Smith, Authors  
*Camp the U.S. for \$5.00 or Less*  
*The Retirement Sourcebook*  
*101 Secrets to a Great Retirement*

CC: Representative Charles Taylor  
Senator John Edwards  
Senator Jesse Helms



## LEIS-196

July 19, 2000

Dear Sirs,

I would like to express my concern to the proposed Timbisha Homeland legislation. This proposal has broad implications and sets precedents which could be far reaching, and is based largely upon a faulty substitution for a proper Environmental Impact Statement. I understand that the LEIS upon which this legislation relies was prepared in only five months, and contains numerous errors, as well as insufficient documentation. The need for a complete review and probably a new LEIS is obvious.

The last part of Appendix E, " Overview of water rights, Death Valley National Park and proposed reservation sites for the Timbisha Shoshone," is missing from Volume 2 of the LEIS.

The Draft LEIS was entered into the Federal Register on May 12, 2000, but was not available to the public through the internet until some time after that date.

The General Management Plan (GMP) for the Park has not yet been issued. Without this, the public is not able to adequately comment on this proposal.

The Inyo County Board of Supervisors was not made aware of the problems with the LEIS and the Timbisha Bill until Tuesday, 6/20.

The Inyo County Board of Supervisors has asked for a 30 day extension. They represent a county that stands to be heavily impacted by the Timbisha Bill, and their request should be honored.

Your proposed 10 day extension is meaningless. It does not substantially address the public's need for adequate time to research the many inconsistencies and erroneous statements in the LEIS.

These actions appear to be attempts to rush the Timbisha Bill and LEIS through Congress before the public becomes aware of the implications of these documents.

I ask for at least a complete review of this LEIS.

I further request that a 60 day extension of the comment period be granted.

Respectfully,

Steven Michael Griffiths  
17810 State Hwy 20  
Nevada City, CA 95959

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LEIS-197

**NYE COUNTY**

**DEPARTMENT OF NATURAL RESOURCES & FEDERAL FACILITIES**

1210 E. Basin Rd. Ste. #6 • Pahrump, Nevada 89048  
(775) 727-7727 • Fax (775) 727-7919

AUG - 3 2000

00-668-LB (L)

July 28, 2000.

Mr. Richard H. Martin, Park Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

**Nye County Cooperating Agency Comments on the Draft Legislative Environmental Impact Statement (LEIS) Timbisha Shoshone Homeland**

Nye County, a situs county of the proposed action, is pleased to submit its formal comments on the subject draft document for consideration in preparation of the final LEIS. Nye County appreciates the opportunity to participate in this important process as a Cooperating Agency, and looks forward to continued cooperative relationship with the National Park Service (NPS).

Our general and specific comments are provided below.

General Comments

A. Nye County notes that the NPS has successfully integrated many of the comments and much of the data provided by the County. The County is pleased that the socioeconomic and demographic data that it provided to the NPS, data that accurately portray the characteristics of the county, are used as the baseline to evaluate the impacts of this federal proposal.

B. Nye County notes for the record, that other issues of significance have been omitted from discussion in the draft LEIS. Nye County advanced specific points for inclusion in the DLEIS pursuant to 40 CFR 1502.16(c) and 1506.2(d). Such points addressed the potential cumulative impacts resulting from the cumulative actions of the NPS, Bureau of Land Management, US Fish and Wildlife Service, US Air Force, US Forest Service, Department of Energy (DOE) Nevada Operations Office, and DOE Yucca Mountain Project. The actions, and the impacts of these agencies actions, are both cumulative and similar actions pursuant to 40 CFR 1508.25(a)(2) and (3) and warrant discussion in the LEIS.

C. Further, it is the position of the County, based upon the analyses submitted to the NPS as part of this process, that direct and indirect impacts have occurred, continue to occur, and will continue in the future unless addressed through mitigation measures. In accordance with 40 CFR 1502.14, Nye County identified appropriate mitigation measures not currently included in the proposed action. These alternatives were not recognized or discussed in the draft LEIS.

D. Nye County also notes that controversial issues and opposing viewpoints, such as those noted above, should be identified in the summary section as described at 40 CFR 1502.12.

E1D-01

P1-02

E1D-03

E1D-04



Specific Comments

1. **Cumulative Impacts** - The cumulative impacts on water resources are not adequately addressed in the document. The draft LEIS only states that there would be alteration of surface drainages with a corresponding increased sediment yield and repair to some springs through cooperative efforts. The document does not identify any cumulative impacts to groundwater resources. The document should be revised to define the past, present, and reasonably foreseeable future actions and state both the direct and indirect cumulative impacts associated with those actions.

Past and present actions include land withdrawals; water resource development and use by the federal and non-federal sectors; groundwater contamination; a lowering of water levels in the vicinity of water supply wells; disruption of groundwater flow paths and gradients; and indirect impacts on water resource availability, cost, and economic benefit to Nye County. Reasonably foreseeable future actions include the high-level radioactive waste disposal repository at Yucca Mountain; implementation of Resource Management Plans by the Departments of Interior, Energy, Agriculture, and Defense; new mining ventures within the region of influence, the Las Vegas Valley Water District's applications in the Death Valley flow system, and continued urbanization in Pahrump Valley and, to a lesser degree, Amargosa Desert.

The establishment of the proposed homeland through a congressional land withdrawal will result in both direct and indirect cumulative impacts on the water resources of Nye County. Previous land withdrawals have already been made covering large portions of Nye County for Death Valley National Park, the Nevada Test Site, Nellis Air Force Range, and the Tonopah Test Range, and the withdrawal of additional lands for the proposed high-level radioactive waste repository at Yucca Mountain is a reasonably foreseeable future action. These withdrawals have effectively removed large areas of Nye County from future water resources development (over 2,250,000 acres have been withdrawn, and more than 59,000 more acres designated for conservation, wildlife, or preservation). There are areas on these withdrawn lands where the groundwater resources could be developed. However, water development is inconsistent with the missions of the federal agencies with stewardship over the land and such development is considered to be highly unlikely. As a consequence, the water resources that would otherwise be available to Nye County have been withdrawn as well as the land. In the Special Nevada Report, the analysis of the effects of the land withdrawals noted that:

"The withdrawal of land from public access and/or the purchase of water rights by DOD and DOE has the greatest potential for effects on Nevada. ... The water resources associated with these lands could, if they exist and were available, play an important role in the continued growth of southern Nevada."

The direct impacts of land withdrawals have included restricted areas for development, reduced water availability, increased over appropriation of Amargosa Desert and Pahrump Valley, increased water demand, and decreased long-term productivity. The indirect impacts have included increased water costs, decreased tax revenues, and decreased long-term productivity. The impacts of the withdrawal of land for the proposed homeland will be additive to those that have already occurred as a result of past land withdrawals and will be cumulative with reasonably foreseeable future land withdrawals for other purposes (such as Yucca Mountain).

Water used for development of the proposed homeland will be additive to existing water use in Nye County. An estimated 110,000 acre-feet of water was used by the federal and non-federal sectors in 1995. The use of about 500 acre feet of water for homeland development will increase the total demand for water in Nye County and will increase the over appropriation of water in Amargosa Desert. On page vii of the Executive Summary, the document correctly states "Allocation of limited water resources to the Tribe may limit

W2-05

W2-06

E1H-07

E1H-08

E1H-09

E1H-10

E1H-11



development in other areas, by making water unavailable for allocation". This impact, its magnitude, and its significance are not carried forward in the main body of the Draft LEIS. The document should be revised to include an evaluation of this impact. E1H-12

2. The Draft LEIS does not adequately address the impacts of groundwater development for the proposed homeland on existing water right owners in Nevada. On page 39, the text states that there are no known wells in Death Valley National Park that would be impacted by the proposed homeland but no equivalent statement is made for the areas in Nye County where portions of the proposed homeland will be located. The text does state that there are a small number of water rights held by landowners in the vicinity of Scotty's Junction but does not mention water rights in Amargosa Desert (the site of the Death Valley Junction portions of the homeland) where existing appropriations within the Nevada portion of the basin already exceed the published perennial yield of the entire basin. W2-13

The Draft LEIS should be revised to include a list of existing water rights and the quantities of those rights in Sacrobatus Flat and Amargosa Desert, the two basins in Nye County that would potentially be impacted by water development on the proposed homelands. The Draft LEIS should also be revised to include a list of all water right applications within those two basins that have been protested by the National Park Service. W2-14

3. No mitigating measures have been identified to offset the adverse impacts on the water resources of Nye County. The primary mitigating measure that has already been identified by Nye County consists of the National Park Service dropping its existing water right protests in Sacrobatus Flat and Amargosa Desert. E1H-15

4. On page 45, third paragraph, the quantity of permitted and certificated groundwater rights in Amargosa Desert is incorrectly given as more of 40,000 acre feet, the correct total of permitted and certificated groundwater rights in the basin is about 26,500 acre feet. The Draft LEIS should be corrected accordingly. E1G-16

5. The list of water utilities for Nye County (Table 5) is incomplete. There are at least 26 community public water supply systems in Nye County, 41 transient non-community systems, and 20 non-transient, non-community systems. E1D-17

6. Correct spelling of Tonopah on Table 6. E1G-18

#### 7. Nye County Population

Section 3.4.2 uses Nye County population estimates, but not the revised estimates (regarding the Sierra Pacific service area in northern Nye) prepared in late 1999. The revised estimates are:

	1990	1997	1998	1999	
1 <sup>st</sup> Q	17,781	30,398	32,884	35,971	E1G-19
2 <sup>nd</sup> Q	17,931	31,053	33,573	36,454	
3 <sup>rd</sup> Q	18,384	31,298	34,125	37,428	
4 <sup>th</sup> Q	18,639	32,164	35,524	38,442	

In the 1st paragraph, "Between 1990 and 1997 (2nd quarter), the population in Nye County increased by 73%, to a total of 31,298 persons. Population estimates .....show the total Nye County population reaching 32,164 persons by the 4th quarter of 1997, and 35,524 persons by the 4th quarter of 1998."



00-668-LB (L)  
Richard Martin  
Page 4  
July 28, 2000

In the second paragraph, "Based on 1997 population estimates (2nd quarter)..... Nye County's population density was approximately 1.75 persons per square mile...." "An estimate..... places the Nye County population at 38,442 persons during the 4th quarter of 1999, increasing population density to 2.2 persons per square mile.

E1G-20

In the 3rd paragraph, From 1990 to 1997 (2nd quarter), the annual growth rate in Nye County averaged 8.2%.

8. Regional Setting (pg. 52)

Nye County is not home to the Stealth Bomber Group, as indicated in paragraph one.

E1G-21

9. The federal government manages 97.8% of the land area in the county (Nye County land area estimate), not 74% as indicated in paragraph two.

E1G-22

If you have questions regarding these comments, please contact me at (775) 727-7727, or MaryEllen Giampaoli at (702) 875-4594.

Thank you for the opportunity to participate in this process.

Very Truly Yours,  
NYE COUNTY, NEVADA

*Cheryl A. Little for*  
Les W. Bradshaw  
Department Manager

LB/cal

cc: Nye County Board of Commissioners  
J. Mc Knight, County Manager  
M. Giampaoli  
J. Marble

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Mr. Dick Martin  
 Superintendant, Death Valley National Park  
 POB 579  
 Death Valley Calif. 92328

Hart Drobish  
 POB 1196  
 Columbia, Calif.  
 95310

Hello Dick,

This letter is written to make comment on the proposed Timbisha Shoshone Homeland legislation (S.2102) and the associated LEIS.

In general from all I have read in the text provided to me by Interior Dept, and there are many poorly defined or undefined issues which exist. It seems very inappropriate to hurry into this matter without careful, fully considered study of the facts and the ramifications of new policy. A longer term of study and public input is required for this to be a democratic policy.

The public input period for the LEIS should be extended to allow adequate time for the average person to become aware of the issue, do the necessary research to then make considered input on the matter. I make this request due to the fact that with the process of implementation of the "Desert Lands Act" and the new Death Valley National Park not even having a completed General Management Plan, puts the cart before the horse really. There is no solid ground upon which to base another land transference on at this time. I have information which indicates that not all of the interested public were provided LEIS Vol. 1 support information which was provided in Vol. 2. I have heard that this information which was supposed to be available at specified public libraries, in fact has not been present for public review.

We should slow down, there is no immanent problem that requires a hurried policy. Extend the Public input period and the study time on this proposal.

My specific problems with the proposal as it exists now are:

#1 Unsupported and non-substantiated statements, as an example; historical use of Timbisha Shoshone at the Saline Valley Warm Springs.

#2 The Co-Management concept is failed before it is started. The concept of "Co-Management" implies that there will be two superintendents, or two managers. It is hard enough in our democratic system to have one publicly controlled entity (Park Service) implement public policy. Now, to combine operational control under two nations, one, the American Government, and, Two the Timbisha Tribe (a part of the Native American Nation) is knowingly implementing headaches, massive politics with no accountability and confusion which will be regretted later by all.

#3 I could not find specific information as to exactly what areas of land within the Saline Valley were proposed to be transferred to Timbisha Shoshone control. It is inappropriate to even make specific comment about appropriateness of the proposed area if a person can't look at a map and know what land area is under discussion.

#4 In my review of statements regarding the Indian Rancheria in Saline Valley, I found nothing solid or specific. In fact several statements did not seem to be addressing the same item. They are clearly contradictory and indicate that no one really has a plan for

E2-01

P2-02

E1A-03

E1C-04

E1H-05

SV-06

IR-07



exactly what will the use of the land which is proposed to be transferred. On Page 14 it states that only residential use at the same level as the past would be policy; however on pg. 93 there is a statement that limited economic activities are anticipated for Indian Rancheria Parcels. Then on pg. 95 it states that "Specific land uses are not identified for the Indian Rancheria Parcels". On pg 97 the study states that "No specific development is anticipated at the Indian Rancheria". This is a say nothing sentence, since it is not possible to address an issue if there are no specific proposals. Does this mean that no development is anticipated? or does this mean that at the present time there is no way to really say what specific plans the future might hold. It clearly is not saying that no development is anticipated. These previous references show that the proposal is not only contradictory, but also that there is absolute vagueness in the entire proposal. As the key issue here is a transfer of lands which are not clearly defined and with no specific specifications on use, It is hard to make input on this kind of vagueness. These items need to be clarified before stumbling forward lacking fact and verification

IR-08

#5 The Statements made regards to Timbisha use of the Saline warm springs are not supported. This makes them questionable and I would challenge the validity of implementing any policy without supporting information and further debate regards to the cultural claims which have been made.

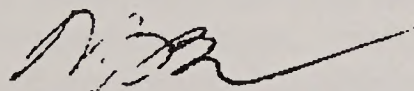
SV-09

Specifically I am completely opposed to the joint management concept of the Saline Warm Springs area. It is inappropriate, as there is no modern (last 50 years) history of use or stewardship of the Saline Warm Springs by the Timbisha people.

M1-10

In Summary: While it may be currently in vogue politically to "Give it All To The Indians"; I don't find this a well considered package which is being proposed. As I have stated, there are many unsupported and contradictory information which is being put forth as the facts and findings upon which this land transfer proposal is based. The flaws in this information make a decision at this time in appropriate. In order to do justice to our system of representative democracy, you must insist that these matters be resolved before policy gets set. You will be the one unfortunately burdened by the problems which will arise through a hurried policy.

Sincerely, Hart B Drobish



CC. Sen Fienstren  
Rep Dec 11/12



840 West Springer Avenue  
Ridgecrest, CA 93555

LEIS-199

2 August 2000

Mr. Dick Martin, Superintendent  
Death Valley National Park  
PO. Box 579  
Death Valley, CA 92328

MS-7 2000

Dear Superintendent Martin:

I'm writing in response to the recently filed Legislative Environmental Impact Statement (LEIS) relative to the Timbisha Shoshone proposal to receive and co-manage substantial amounts of NPS and BLM lands. I am a physicist at the Navy's laboratory at China Lake, a twenty-one year resident, and a regular user of DVNP facilities. Though granting the Timbisha Shoshone Homeland Proposal would establish many important precedents and have significant impact upon public land management in the United States, my specific concern is as a user of the Saline Valley hot springs. For a number of reasons, it appears neither equitable nor appropriate to include the springs as part of the Timbisha Shoshone Homeland.

Quite significantly, the NPS/Timbisha plans for the future of the springs were formulated without notification, consultation or input from the current users' organization that has successfully co-managed and maintained the area for years under your auspices. For this reason alone, the intent of the requirement for "public comment" in considering an issue of this importance appears to have been ignored. But worse, staff members from Senator Inouye's office report that, as a result of a "judgment call" on the part of the Department of the Interior, the Indian Affairs Committee did not review ANY comments from users regarding the springs during the initial LEIS public comment period last year.

Not only that, but it was in compliance with your request that the Saline Valley springs users-group organized; you subsequently helped draft the current area co-management plan and guaranteed the group participation in any future planning for the springs.

As a nearby resident quite familiar with issues specific to the Saline Valley springs and one carefully monitoring the realities of this situation, I find myself deeply dismayed at the inaccuracies and inconsistencies contained in the LEIS. Most important among these are the more than several conflicting statements in that document concerning plans for the springs.

On one page, the LEIS states "limited economic activities are anticipated at the Rancheria parcels" while another says "no specific development is anticipated at the Indian Rancheria." Yet another page asserts "...continuous occupation of this parcel by the Timbisha Shoshone -- in prehistoric winter villages and modern ranches -- reflects the importance they placed upon the hot springs," while the preponderance of historical evidence shows no trace of Timbisha presence at the springs for at least two hundred years. Meanwhile, the only source cited in the LEIS suggesting Native American activities at the springs comes from an anthropologist contractor hired by the Timbisha to support their proposal. Moreover, this document was not made available for examination by the public or subjected to independent verification.

The LEIS refers to the springs as "located near Indian Rancheria" which, as you are well aware, is incorrect: the hot springs are several miles distant (nearly ten)—and in a region distinctly ecologically dissimilar—from the Indian Rancheria parcels later described in the LEIS.

SV-01

E1D-02

HU-03

SV-04



However, Washington-based decision-makers are unaware of this and, in the absence of credible public comment, must proceed upon erroneous information.

Another crucial contradiction is the LEIS claim that current visitor use is "incompatible with the Tribal values associated with the springs," while your last two NPS press releases (19 June and 18 July) ensure "All existing uses, and access to public land resources, within the areas affected by the cooperative agreements will remain unchanged."

The LEIS makes little or no reference to the significant infrastructure improvements by springs area users throughout the more than thirty years prior to the expansion of Death Valley National Park that encompassed Saline Valley. From descriptions in the LEIS, Washington-based decision-makers could easily assume the springs area is simply a desolate spot in the desert where warm water emerges, when in reality, the source spring is surrounded by a manmade protective structure, there are pools, washing and bathing facilities, mature trees, a naturally irrigated lawn, campsites, brand new NPS-built restrooms, and even a well-populated fishpond. This area has been co-managed by the organized users-group in cooperation and compliance with NPS regulations for several years now—all via volunteer efforts from the users-group and at NO cost to the Park service. This fact is another not found in the LEIS.

There have been reports that plans exist to bulldoze the entire springs area; if these indeed exist, why are they not disclosed in the LEIS? Whether executed under NPS aegis or Timbisha-co-management, demolition of existing facilities, destruction of extensive plant and animal life, and excavation of underground pipelines would surely seem to have a significant environmental impact.

Most interesting to me is the LEIS claim that "the area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the Tribe to the area." The reality is that the entire Saline Valley (the Saline Military Operational Area in the R-2508 Restricted Area Complex) is constantly used by the Department of Defense for low-level high-performance aircraft combat training. As one of the valley's few aerially recognizable landmarks for low-altitude navigation training, the springs are regularly overflown by jet and rotary wing aircraft, producing ground-level noise intensities easily in excess of 95dB. As a Defense Department technical professional directly involved in test and evaluation activities at the military aviation installation adjacent to the region—as well as an operational military pilot (reserves) on flight status—I can assure you that, in our environment of constantly shrinking remote public lands for this training, this activity will only increase with time.

And this remoteness is a yet additional factor. Voting representatives in Washington likely possess little or no knowledge that reaching the Saline Valley hot springs requires a more than three-hour, thirty-mile drive over marginal, often impassible dirt roads with no services available whatsoever, where most passenger cars would suffer serious damage. Here, mountain passes quickly snow shut during winter, roads typically wash out during rainfall, and summer heat brings temperatures easily reaching 120 degrees Fahrenheit. Moreover, the LEIS does not mention that responsibility for Saline Valley's roads primarily lies with California's Inyo County and the NPS has only limited influence on their maintenance frequency. Or that for the final seven miles to access the springs, the NPS-sanctioned volunteer user-group co-managing the site provides the only road maintenance at no cost. And that nearly constant effort is required—and regularly exerted by those organized users—to keep this particularly upkeep-intensive segment open. The LEIS includes no reference to this or any NPS/Timbisha access maintenance plan, only that "limited economic activities are anticipated at the Rancheria parcels." A reasonable

E1B-05

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E1H-08

E1H-09

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individual, fully aware of these realities, would have great difficulty believing that ANY economic activity would be cost-effective, let alone productive. E1B-11

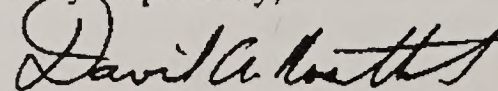
But another important reality is that the Saline Valley hot springs represent well less than one percent of the total acquisition of land by "subscribed" Timbisha tribal members; this small number represents only the very few in that widely geographically dispersed Nation who organized to commission production of a proposal to acquire property and rights which will ultimately yield them substantial personal wealth. Their total number is less than 300 and, as they develop the other valuable, income-producing property they will receive (e.g., the Lida, NV parcel, et. al.), chances diminish dramatically that any reasonable number will spend significant time at a remote desert spring buzzed constantly by high-performance jets and accessible only by a long, punishing journey. Meanwhile, the springs continue to be regularly used and faithfully preserved by thousands of people from all parts of the globe—all at no cost to the NPS. SV-12 E1B-13

With the National Park Service's stated mission to preserve resources for public use, it clearly appears that wresting a treasured resource from a large number of users who have, for more than three decades, improved, maintained, and cared for it, lies far from that intent. But worse, the proposed Timbisha co-management plan totally ignores those users who, for years, have continuously cooperated with you and the National Park Service to ensure that preservation. On balance and considering the tiny size of this area in comparison with the more than 7,000 acres of public land to be turned over to the Timbisha, it surely appears in the best interests of the National Park Service as well as the thousands of users to allow the springs to remain outside the Timbisha Homeland. E1B-14

The Timbisha Shoshone Homeland proposal represents a broad, far-reaching effort to provide a small Native American Nation with land and resources. That the public still has any credible input is surely questionable since, at this writing, the Senate has passed S.2102 despite the fact the public comment period is still open. Most interesting to me is that the Saline Valley hot springs aspects of the Timbisha proposal appear to possess sufficient inaccuracies, omissions, misstatements of fact, and violations of faith to potentially expose the Park Service to significant litigation if this tiny parcel remains part of the overall proposed co-management plan. As a technical professional, I'm not qualified to make that assessment but am absolutely certain those details will be closely examined.

In any case, I appreciate your taking the time to review these remarks and sincerely hope they might be included as part of public comment which will actually be considered.

Very respectfully,



David A. Rosenthal



LEIS-200

P.O. Box 1502  
Ridgecrest, CA 93556  
August 7, 2000

AUG - 9 2000

Dick Martin, Superintendent,  
Death Valley National Park  
PO. Box 579  
Death Valley, CA 92328

Re: Saline Valley Hot Springs

Dear Superintendent Martin:

I have received a series of releases from the National Park Service extending the public comment period in the matter of the Timbisha Shoshone Homeland Proposal, despite the fact that the US Senate has already voted on it. This seems to be the worst sort of bad faith – comparable to saying, "The Titanic sank but we'll still sell you passage."

I understand that the vote will eradicate the current use of the Saline Valley Hot Springs, despite the assurances in the same releases that use and access will be unchanged, and despite the fact that the regular users have maintained the area for years for the general public under the aegis of your department. Were the press releases sent out to mislead them so that they would keep silent during the proceedings?

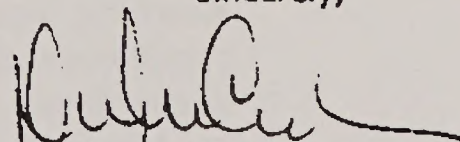
The thousands of Saline Valley regulars far outnumber the few hundred Timbisha Shoshone who have, until about two years ago, shown no interest in the land for more than a century. Regular users have attended hearings and written to your department and others involved in deciding the question, yet one of Senator Inouye's aides asserted that in the interest of saving time, the users' letters were received but not read. It appears that regular users have been allowed to "go through the motions" for nothing, while everything they've worked for all these years by cooperative agreement with your department, is slated for destruction. This is unfair and terribly wrong.

Moreover, if current usage is obliterated, it will leave useless, arid, incredibly remote land which the Timbisha Shoshone will never develop or utilize. (No plumbing, no electricity, no telephones, no hospitals.) So why take it from the public to give it to private interests who won't use it? What's the point?

For these reasons, I respectfully suggest that your department keep this park land in the hands of the public by eliminating it from the Timbisha Shoshone negotiations.

cc:  
Senator Daniel Inouye  
Senator Dianne Feinstein  
Senator Barbara Boxer

Sincerely,

  
Donna McCrohan

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E1B-03



LEIS-201

Kathy Goss PO Box 9 Darwin CA 93522 (760) 876-8313

August 4, 2000

AUG - 9 2000

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Dear Mr. Martin:

Thank you for your letter of July 27, 2000, responding to my requests for an extension of the comment period on the Timbisha LEIS. I am glad that the comment period has been extended to July 21, and I know that many other concerned citizens are also pleased that they have been given additional time to comment on the many problems presented by this document.

I am well aware that the "Overview of Water Rights" was missing from Appendix E. I was the first person, to my knowledge, to notice this deficit and call it to the attention of Mel Essington and Joanne DeGraff. Subsequently other individuals called your office or Joanne's and requested this document. It was eventually sent to the entire distribution list for the LEIS.

Concerning Catherine Fowler's report, if it was not the sole documentation for ancestral areas occupied by the Timbisha Shoshone, the Draft Secretarial Report and LEIS should have reflected that fact in their citations in the text. According to Ahmed Mohsun of BLM in Ridgecrest, the Fowler document provided the basis for Ridgecrest BLM's drawing of the Timbisha Shoshone Homeland Map on page 4 of the Draft Secretarial Report. The source was cited as such on that page of the report.

HU-01

Also, in the LEIS, the Fowler document is cited as the basis for the following assertion concerning the Indian Rancheria:

"Known cultural resources located nearby include hot springs and bighorn sheep hunting grounds (Fowler 1995b, 29-30). Given the source of fresh water at Indian Rancheria, human groups may have used this area for thousands of years. . . . The continuous occupation of this parcel by the Timbisha Shoshone -- in prehistoric winter villages and modern ranches -- reflects the importance they placed upon the hot springs."

I have seen the cited pages of the Fowler document. The relevant quote on p. 30 is: "Even though these hot springs continue to have spiritual significance to Timbisha people, they are not utilized at the present time, because they are frequented by outsiders

HU-02



who have destroyed the original springs and trashed the surrounding area (Pauline Esteves, 11/19/94)." I think it is obvious why we are not being permitted to see this document. This is inflammatory language, and ungrounded in fact.

Last year Sam Merk of the SPA Board traveled to the Tribal Office in Furnace Creek to view requested documents. She understood that the Fowler document would be among them, but she was not permitted to see it. She did get to see the "Needs Assessment," which is now included in the Appendices for the LEIS.

I have received a copy of the July 2000 "Technical Report." This report is grossly deficient, and is simply a continuation of the attempt by Federal agencies to gloss over the concerns of citizens of Inyo County, residents of Darwin, and the Timbisha Tribe concerning water issues on Centennial Flat.

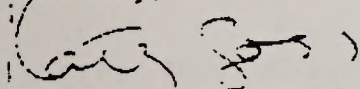
Just for starters, the Technical Report completely ignores the existence of a 1980 report on Coso Cold Spring, Darwin's source spring, which was prepared by LeRoy Crandall and Associates, Consulting Geotechnical Engineers. This report is on file with the Navy at China Lake. Steve Reese of DCSD mentioned this report in a telephone conversation with Glenn Harris of Ridgecrest BLM, when Mr. Harris phoned for information from Mr. Reese. However, the Technical Report states, "Specific information on Coso Springs geology was not available." Mr. Harris could easily have obtained this report from the Navy, or from Mr. Reese.

As for the "test well" on Centennial Flat, I hope that your consultants will be prepared with complete data on the length of time the well was pumped, and how testing could be done in the absence of a monitoring well. We will have additional pertinent questions at the meeting.

E1D-03

It will also be interesting to learn what other 640-acre parcels have been proposed as alternatives, as provided in the current language of S. 2102, should groundwater at the present Centennial Flat parcel not prove adequate to supply 10 acre feet/year.

Sincerely,



Kathy Goss

cc: Representative Jerry Lewis  
Superintendent Michael Dorame

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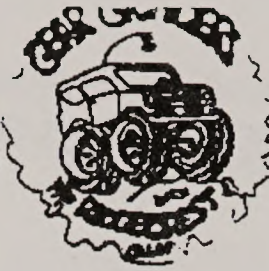
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August 5, 2000



**Gear Grinders  
4 Wheel Drive Club, Inc. LEIS-202**

**P.O. Box 32  
Ridgecrest, CA 93556**

Honorable William Thomas  
2208 Rayburn Office Building  
Washington, D.C. 20515  
And  
4100 Truxtun Ave., Suite 220  
Bakersfield, CA 93309

**RE: TIMBISHA SHOSHONE HOMELAND DRAFT LEGISLATIVE  
ENVIRONMENTAL  
IMPACT STATEMENT (LEIS)**

Dear Congressman Thomas,

We, the Gear Grinders 4 Wheel Drive Club, Inc., recreate, camp, and sightsee on a large percentage of the lands included in the Timbisha Shoshone Homeland Draft LEIS. Our membership at present is twenty-seven families, and several perspective families qualifying for membership. Our recreating opportunities on public lands have been diminished over the years from several types of closures, including the wilderness areas established by the California Desert Protection Act of 1994, U.S. military base expansion, endangered species – both plant and animal, and private property. Now we have the Timbisha Shoshone Homeland Draft LEIS that threatens more public land and it's traditional and historic uses.

We also feel that the decision has already been made, is out of our hands, and our comments are totally worthless. Why? Because the Senate has already passed this Draft LEIS and sent it on to the House of Representatives before the comment period is even over. This is in violation of the National Environmental Policy Act (NEPA) process, as the Senate has not based this decision on any of the comments that will be submitted from the public, but rather on being politically correct. P4-01

We do not oppose the Timbisha Shoshone their right to have a land base that they may call their homeland. However, C-02

- when there is no outline as to what the lands might be used for (housing at Centennial ?);
- where water could be an issue for any type of development of these lands (Centennial Parcel ?);
- when there is no avenue for public comment on a future use of these lands; P4-03
- where it is assumed that land currently in private ownership will be sold to the Timbisha Shoshone, when in fact the private property owners within these lands are not willing sellers (the Indian Rancheria parcel); IR-04
- where Inyo County, with a major portion of this Draft LEIS in their county, were not consulted prior to the writing of this documentation, and stand to lose some of their tax base, which is meager for a county so large; SE-05
- where traditional, recreational uses have not been considered as legitimate uses and that should be mitigated with the Timbisha Shoshone before hand. i.e. Saline Valley Hot Springs and uses currently acceptable on public land, including vehicle access on existing roads and trails. SV-06



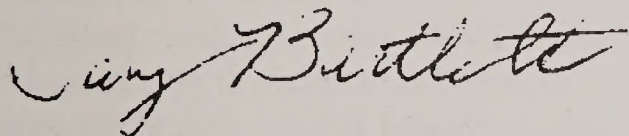
- when the lands up on Hunter Mountain and all through Saline Valley have been historically used by other tribes, how can those same lands become the reservation lands held in trust for the Timbisha. Attached, please find a copy of a statement made by a representative of the Lone Pine Paiute Shoshone Reservation, stating that they are concerned for the burial sites of their people and that it will close off pinion harvesting to their people. The NPS (Death Valley National Monument) reply was that it was basically out of their management at that time and would be under the care of the BLM. With the passage of the Desert Protection Act in 1994, that all changed and now it should be acknowledged.

HU-07

Then we have to ask why this Draft LEIS was written without first addressing these issues.

Therefore, the Gear Grinders 4WD Club, Inc., would like to go on public record as being opposed to the Timbisha Shoshone Homeland Draft LEIS as written, and request that another document be written, which would address the above issues and others brought in by other parties, thereby being fair and true to both the Timbisha Shoshone people and the rest of the American public. It would be better for all concerned, to go into this partnership on the right foot, rather than add to the mistakes of the past.

Sincerely,



Gary Bartlett, President

CC: Senator Diane Feinstein  
Senator Barbara Boxer  
Richard Martin, Superintendent

**ATTACHMENT:** From "THE MONUMENTS", FINAL ENVIRONMENTAL  
IMPACT STATEMENT, Boundary Adjustments: Death Valley and Joshua  
Tree National Monuments, Bureau of Land Management, California Desert  
District, April 1989 - Chapter 5, Consultation and Coordination, Page 5-128  
- letter # 68.

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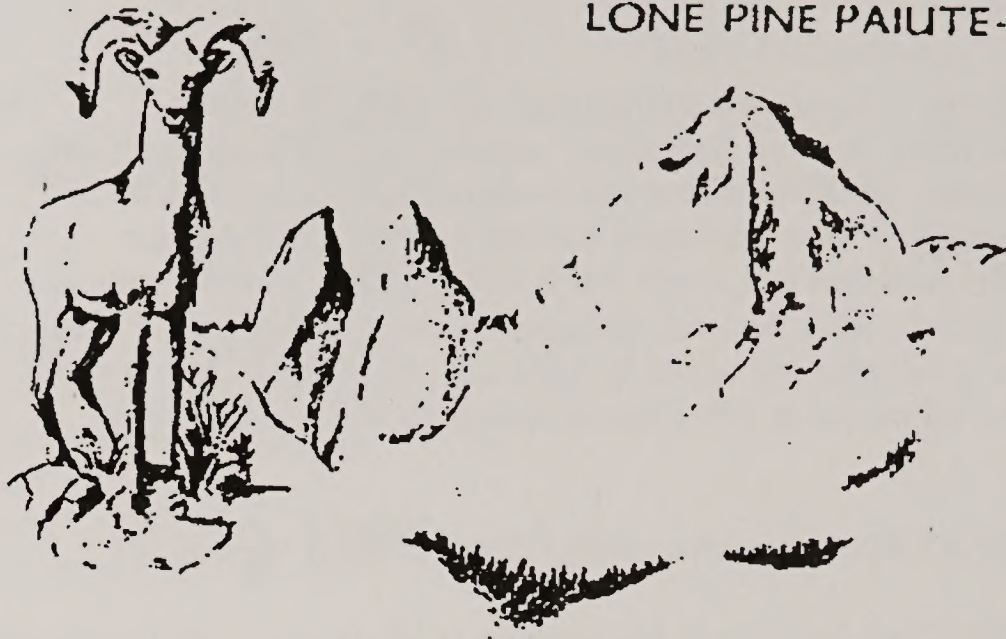
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LONE PINE PAIUTE-SHOSHONE RESERVATION

1101 SOUTH MAIN STREET  
LONE PINE, CALIFORNIA 93545  
(819) 876-5414

June 14, 1988

TO WHOM IT MAY CONCERN:

We of the Lone Pine Indian Reservation do ADAMANTLY OPPOSE the creation of another park at Hunter Mountain.

A variety of seeds, plants and pinion, grow in that area that is vital to our well-being, also there are known burials of our people all located on and near Hunter Mountain.

68-1

We feel that if a park is established, it will close off pinion harvesting activities to the Native Americans of Owens Valley.

Sincerely,

Neddeen Naylor  
Tribal Chairperson

5-128



JOHN SHADEGG  
4TH DISTRICT, ARIZONA

WASHINGTON, D.C. OFFICE:

430 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3361  
FAX: (202) 225-3462

ARIZONA OFFICE:

301 EAST BETHANY HOME ROAD  
SUITE C178  
PHOENIX, AZ 85012  
(602) 263-5300  
FAX: (602) 248-7733  
e-mail: j.shadegg@mail.house.gov



LEIS-203

Congress of the United States  
House of Representatives  
Washington, DC 20515-0304

August 8, 2000

COMMITTEE:  
COMMERCE  
SUBCOMMITTEES:  
ENERGY AND POWER  
FINANCE AND HAZARDOUS  
MATERIALS  
HEALTH AND ENVIRONMENT  
REPUBLICAN POLICY COMMITTEE  
JUNIOR CLASS REPRESENTATIVE  
ASSISTANT WHIP

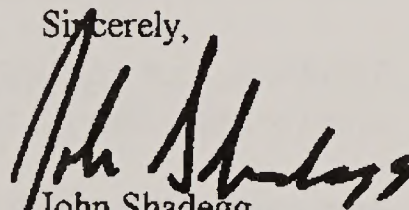
Dick Martin, Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, California 92328

Dear Superintendent Martin:

I am writing to ask that you review the comments raised in the enclosed letter from my constituent, Stephen Suter, as part of the public comment process for the Environmental Impact Statement on the Timbisha Shoshone Homeland Report. Please be assured that I wish no action to be taken on this matter on behalf of any single interest, nor any action that would be inconsistent with existing rules, regulations, or ethical guidelines.

I ask that you respond to these comments both directly to Mr. Suter as well as to myself. Thank you for your consideration.

Sincerely,

  
John Shadegg  
Member of Congress

JS:lw

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Stephen E. Suter  
209 W. Kathleen Road  
Phoenix, AZ 85023  
July 5, 2000

Superintendent Dick Martin  
Death Valley National Park  
P. O. Box 579  
Death Valley, CA 92328

Dear Superintendent Martin:

This letter sets forth my comments on the Legislative Environmental Impact Statement (LEIS) on the Timbisha Shoshone Tribal Homeland Report.

1. As an initial matter, I am requesting an extension of the comment period beyond the current deadline. While I believe the National Park Service recently granted a ten-day "extension," this is not a meaningful extension which will allow adequate time for the public to research the many inconsistencies and erroneous statements in the LEIS. Furthermore, the LEIS cannot be fully evaluated until the revised General Management Plan (GMP) for Death Valley National Park is available later this summer. E2-01 P2-02

I understand the Inyo County Board of Supervisors has asked for a 30-day extension. Since they represent a county which will be heavily impacted by the Timbisha Bill, their request should be honored. E2-03

Therefore, I am requesting that the NPS grant at least a 30-day extension to the original July 22, 2000, deadline. E2-04

2. After reviewing the LEIS, I believe it contains statements which are geographically inaccurate. For example, the LEIS claims that 750,000 acres were originally considered for designation as the Natural and Cultural Preservation Area. However, a more accurate estimate, verified by the local Bureau of Land Management (BLM) office, is closer to 1.5 million acres. E1G-05
3. The LEIS contains conflicting statements. For example, the level of use envisioned for the Indian Rancheria is variously stated as "residential at approximately the same level that has existed in the past...there may be a small joint NPS/Tribal office for visitor information" or "limited economic activities are anticipated" or "specific land uses are not identified for the Indian Rancheria parcels" or "no specific development is anticipated at the Indian Rancheria." E1D-06



4. The historical claims are poorly documented, especially with respect to the Timbisha's claim of use of the springs for healing and ceremonial purposes. HU-07
5. Public comments on the LEIS have been largely ignored. E1A-08
6. Why wasn't my letter or other letters that I know were submitted commenting on the proposal included in the documentation for the LEIS? P4-09

Sincerely,

Stephen E. Suter

cc: Senator Jon Kyl  
Senator John McCain  
Representative John Shadegg

Saline Valley Preservation Assn.  
P O. Box 1603  
Inyokern, CA 93527

4.2 INDEX BY LEIS  
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4.1 INDEX BY AUTHOR



LEIS-204

LeRoy Johnson  
4916 Westridge Road, Bishop, CA 93514  
760-387-2770  
Ljohnson@qnet.com

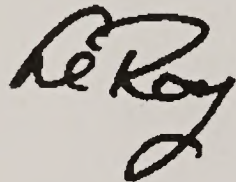
August 7, 2000

Richard Martin, Superintendent  
Death Valley National Park  
Death Valley CA 92328

Dear Dick,

Attached are my comments on the "Draft Legislative  
Environmental Impact Statement."

Yours truly,

A handwritten signature in dark ink, appearing to read "LeRoy", with a stylized flourish at the end.



# COMMENTS ON DRAFT LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT BY LEROY C. JOHNSON August 7, 2000

Each of my comments is keyed to numbers along the margins of the attached Statement. The numbers are not always sequential in the Statement because I occasionally doubled back. The page number where the comment first appeared is in parenthesis follows the comment number. I only give one page number for each comment so you will have to look at each page for comment numbers.

- |         |                                                                                                                                                                                            |                  |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1 (i).  | I wish the report clarified the possibility of the tribe building a gambling on any of this property. It is an abhorrent thought that a casino would be built next to Furnace Creek Ranch. | MG-01            |
| 2 (ii). | It is not clear in the report if the tribe will be entitled to additional land in the future.                                                                                              | E1H-02           |
| 3 (ii). | How did the tribe and the Federal government come to the agreement of 7,500 acres? This seems like a paltry amount of land when compared to the land they lost.                            | E1H-03           |
| 4 (ii). | I agree there should be constraints on the "standards of size, design, and impact" in terms of commercial development but placing constraints on all construction seems very restrictive.  | E1H-04           |
| 5 (ii). | The land at Death Valley Junction seems ideal for a casino. Are there any constraints on any of the BLM lands excluding casino development?                                                | MG-05            |
| 6 (iv). | Water rights should be clarified before any transfers of land. This, unquestionably, will be a contentious issue and the sooner it is settled the better.                                  | E1H-06           |
| 7 (iv). | Is this a mistake? Are some of the lands "designated as wilderness"? I doubt there is legal authority to give away "wilderness" land.                                                      | E1H-07<br>E1H-08 |
| 8 (v).  | My understanding is this date farm is deliberately being allowed to die. The property is far more valuable for resort development.                                                         | E1H-09           |
| 9 (v).  | Are the "2 species of introduced mammals" horses and burros? If so, say so.                                                                                                                |                  |



- 10 (v). The report is not consistent on the spelling of pinyon pine. Piñon is an acceptable spelling but is not the typical spelling of the name. Recommend using pinyon. E1H-10
- 11 (vi.) How will "[i]mplementation ... [of the plan] generate many socioeconomic effects"? The word "effects" is too often used in Federal reports. In general it is a meaningless word that flags lazy writing of unclear thinking. E1H-11
- 12 (vii). You need to address the loss of money to counties due to the "decline in revenues." Saying there will be a "small decline" is not adequate. You need to clarify such things as: Do Indians pay property taxes? Will they provide their own law enforcement? Will they provide their own emergency resources such as fire departments? Will the BIA pay money to the counties to cover the lost taxes? SE-12
- 13 (4). On this page you list 5 items the plan is intended to achieve. However, on page 12 there are only 4 items listed—one got dropped. E1D-13
- 14 (4). I do not know what you mean by an "ecological sustainable visitor-related" opportunity. Sounds like "fluff wording." E1H-14
- 15 (5). And they are getting little in return for the land that was taken away from them. E1H-15
- 16 (5). You are being too political correct in avoiding the legitimate and useful noun "Indian." There is NO possibility someone will think you are referring to people from the country India. E1H-16
- 17 (7). This is the first time I have seen a clear statement of the purpose of the National Park System. I think you should highlight this sentence on the first page of this and all future documents:
- "The National Park Service preserves the natural and cultural resources of the national Park System for the enjoyment, education, and inspiration of present and future generations."**
- 18 (7). Do not use abbreviations that are not commonly used and known. Yes, I realize they are defined in Chapter 6.0. As a point of clarification: DOI is not an *acronym* (which you should look up). E1H-17
- 19 (13). Pinyon nut gathering was important to the western Indians. Part of the reason Indians traditionally had E1H-18



such a large homeland is there were always crop failures throughout much of the pinyon range. Thus they had to have vast areas from whence to collect seeds. I think it would be reasonable to allow the Indians to have access to pinyon crops wherever they occurred—even on Park land. For example, I have seen bumper crops on Porter Peak. The tribe should be allowed to collect nuts wherever bumper crops occur.

- 20 (14). It appears there will be only one access to this property. For emergency purposes, you must have two accesses. Keep in mind the mesquite fire that happened at Eagle Borax Springs a few years ago when a "controlled" burn went wild. The second access does not have to be a public one. It could be gated without a lock. E1H-19
- 21 (14). If you know at this time there will not be a casino, please say so. If you do not say so, others and I will assume there is a possibility of one. MG-20
- 22 (15). Again, concerning pinyon pine nut collecting: The area around the charcoal kilns was clear-cut. That is, vast areas of traditional pinyon gathering forests were liquidated. Nuts can be gathered without damaging the trees. E1H-21
- 23 (15). There is ample evidence the Indians used the mesquite groves throughout the valley. If there are seed crop failures in this area, will the tribe be permitted to collect in other areas? E1H-22
- ✓ 24 (16). Mesquite Springs is in California so it can not be located "off of Nevada State Route 267." E1G-23
- 25 (16). This should be Map 7 E1G-24
- 26 (14). There is no map showing this property. There needs to be a map similar to maps 1 through 5 pinpointing this property. The fact that it is not in this document is a big oversight. IR-25
- 27 (27). Give a date for the Pinto period. The vast majority of readers will have no knowledge as to even the approximate time frame. This is covered in the APPENDICES. Even so, the dates should be given in the main document. E1H-26
- 28 (31). The first written account of the Centennial area is found in Woodward, Arthur. 1961. *Camel Surveyors in Death Valley*. Palm Desert, Calif.:Desert Printers. Your library has a copy of this booklet. Add to your E1H-27



- references as it documents the Indian use of this land in the 1860s.
- 29 (35). I find no mention of the possible contamination of water from Yucca Mountain. E1H-28
- 30 (57). The additional residences and commercial developments at Furnace Creek will require additional fire protection. You need to face this problem early. SE-29
- 31(81). Cite the court ruling and add it to the references (Chapter 8). E1H-30
- 32 (93). I do not agree with the statement that residential use of the Centennial land **would** "generate a negligible demand for public services." There needs to be a paved road into the property: Who will pay for it? What about fire protection and ambulance service? What about social services (e.g., alcohol prevention)? E1G-31
- Table 9. Pinion pine is spelled wrong (not pinion). E1G-32
- Table 11, p.9. STRIGIDAE-cont. should be struck. E1H-33
- MAPS. There is no map showing the Saline Valley (Indian Rancheria) site. IR-34
- 33(15) It is not reasonable (in my opinion) to restrict "traditional practices" to specified areas. The examples of pinyon pinecone crop and mesquite bean crop periodicity are examples why there should not be delineated areas. I teach a course through Cerro Coso Community College on the life history of pinion pine (the sex life of pinion pine). I know from long experience that crops will vary from place to place. And, some years there will be no crop throughout the park area. In these years, the Indians should be given exclusive rights to areas with crops that are within their traditional homeland. E1H-35
- 34(19) In areas like Warm Sulphur Springs it is possible the Indians use to burn the site. Has there been any coring in this area to see if there are layers of charcoal that may indicate periodic burning. E1H-36
- 35(53) These figures are meaningless. They should be based on private land acreage. E1H-37
- 36(57) Will there be an additional need for alcohol and illegal drug use prevention and treatment? E1H-38



## GENERAL COMMENTS

- A. In the final document you should list the names of the section rather than using chapter numbers. For example, the tab for current Chapter 6.0 could be TERMS. And Chapter 8.0 could be REFERENCES. These changes would make the final document more usable. E1H-39
- B. The document is well written. There is, however, a lot of redundancy. Maybe this is needed, but I doubt it. E1H-40
- C. Because of the importance of this document, I think you should give more history of the aboriginal use of the area and history of the tribe. E1H-41
- D. There appears to have been a reckless disregard for the Indians when the Monument was created. If so, say so.
- E. Map 3 is useless as a reference for most people. I am fortunate to have all the maps for this area and could place the proposed land in context to Highway 190. Adjust your map so readers will know where the land is in reference to the highway. E1D-42
- F. The APPENDICES are well done and they are a valuable part of the document.
- G. There is no conflict with withdrawing land from the U.N. Man and the Biosphere Program (because you have total control) but maybe it should be mentioned. E1H-43
- H. I suspect some of the land was selected because it might be possible to establish a gambling casino along the highway. E1H-44

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR





IN REPLY REFER TO:  
L14 (PWRO-RD)

United States Department of the Interior  
NATIONAL PARK SERVICE

Pacific West Regional Office  
600 Harrison Street, Suite 600  
San Francisco, California 94107-1372

April 5, 2000

Dear Reader:

In 1994, Congress enacted the California Desert Protection Act, P.L. 103-433, including Section 705(b) which directed the Secretary of the Interior to conduct a study to identify lands suitable for a reservation for the Timbisha Shoshone tribe which has no land base at present.

The enclosed draft legislative environmental impact statement (LEIS) volume 1 analyzes possible environmental impacts that could result from the transfer of federal lands or the purchase of private lands. Transfer of lands currently managed by the National Park Service and the Bureau of Land Management requires congressional approval. The LEIS also seek congressional authorization to purchase two parcels of approximately 2,550 from private owners.

Volume 2 of the LEIS contains appendix materials referenced in volume 1 and is available at area libraries; Bureau of Land Management offices in Ridgecrest, California and Tonopah, Nevada; and park headquarters at Death Valley National Park.

The draft LEIS was filed with the U.S. Environmental Protection Agency, and the Notice of Availability was published in the Federal Register. The public has 60 days from publication date of the Notice of Availability to comment on the draft LEIS.

Both volumes of the draft LEIS are also available at <http://www3.iwvisp.com/blm/report>.

Comments may be submitted by any one of several methods. You may mail comments to the Superintendent, Death Valley National Park, Post Office Box 579, Death Valley, California, 92328.

Comments may be e-mailed to [DEVA\\_Superintendent@nps.gov](mailto:DEVA_Superintendent@nps.gov). Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (760) 786-3423.

Finally, you may hand-deliver comments to the Office of the Superintendent, Death Valley National Park, Death Valley, California.

Our practice is to make comments, including names, and home addresses of respondents, available for public review during regular business hours. Individual respondents may request we withhold their home address from the administrative record, which we will honor to the extent allowable by law. If you wish us to withhold your name and / or address, you must state this prominently at the beginning of your comments. We will not consider anonymous comments.

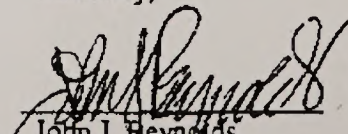
As always: NPS will make available to public inspection all submissions from organizations or businesses, and from persons identifying themselves as representatives or officials of organizations and businesses.

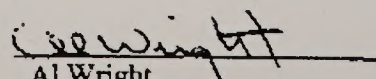
Please send all other written inquiries regarding this project to the Superintendent, Death Valley National Park, Post Office Box 579, Death Valley, California, 92328.

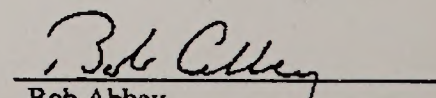
A series of public workshops to hear comments and suggestions will be conducted at locations and times to be announced separately.

We look forward to receiving your comments.

Sincerely,

  
John J. Reynolds  
Regional Director  
Pacific West Region  
National Park Service

  
Al Wright  
State Director  
California  
Bureau of Land Management

  
Bob Abbey  
State Director  
Nevada  
Bureau of Land Management



## EXECUTIVE SUMMARY

### S.1 Introduction

For decades the Timbisha Shoshone Tribe has sought to obtain trust land within its aboriginal homeland. In 1994, Congress enacted the California Desert Protection Act (C.D.P.A., [Public Law 103-433]), including Section 705(b), which began to address the need for a recognized land base for the Tribe. Section 705(b) directs the U.S. Secretary of the Interior to conduct a study to identify lands suitable for a homeland for the Timbisha Shoshone Tribe. The Secretary of the Interior's draft report, *The Timbisha Shoshone Tribal Homeland: A Draft Secretarial Report to Congress to Establish a Permanent Tribal Land Base and Related Cooperative Activities*, proposed several recommendations that could not be accomplished by the Department of the Interior without congressional authorization and proposed legislation.

The United States is considering the transfer of federal lands and acquisition of private lands to be held in trust for the Timbisha Shoshone Tribe by the Secretary of the Interior. The transfers and acquisitions would be for the purpose of creating a tribal homeland in and around Death Valley National Park pursuant to the study authorized by Section 705(b) of the California Desert Protection Act of 1994. The Tribe has been federally recognized since 1983, but has no land base. The action considered in this legislative Environmental Impact Statement is a set of recommendations for congressional legislation to authorize establishment of a permanent land base for the Timbisha Shoshone Tribe, and to identify locations on federal lands within the Tribe's ancestral homeland for purposes of tribal use pursuant to cooperative agreements.

The National Environmental Policy Act (NEPA) of 1969 and regulations of the Council on Environmental Quality (40 C.F.R. 1508.9) provide that any "proposal for legislation" must be accompanied by an Environmental Impact Statement (EIS). (42 U.S.C.A. 4332(2)(C).) Accordingly, the National Park Service, in consultation with the Bureau of Land Management, Bureau of Indian Affairs, and Bureau of Reclamation, is authorized to and has prepared this Legislative Environmental Impact Statement (LEIS) to analyze the Proposed Action and the No-Action Alternative and their impacts on the environment pursuant to the California Desert Protection Act (C.D.P.A., [Public Law 103-433]) Title VII, Section 705(b) and in accordance with NEPA. (*Id.*). The National Park Service (NPS) is acting as the federal lead agency for this LEIS. In October 1999, the Department of the Interior (DOI) determined that NPS would serve as the lead agency and that the Bureau of Land Management (BLM) would be a cooperating agency to implement the requirements of the National Environmental Policy Act. As jurisdictional agencies of federal lands currently under consideration for this project, NPS and BLM are responsible for determining any environmental impacts that may be associated with possible land transfer activities. The agencies are also responsible for determining appropriate mitigation measures. Other cooperating agencies acting in the preparation of this document include the U.S. Fish and Wildlife Service (USFWS), Bureau of Reclamation (BOR), Bureau of Indian Affairs (BIA), and Nye County, Nevada.

This document is intended to fulfill the format and content requirements as well as the spirit of NEPA. The LEIS analyzes the Proposed Action and the No-Action Alternatives (described in Chapter 2.0) and their potential effects on the human environment pursuant to the California Desert Protection Act (C.D.P.A., [Public Law 103-433]) Title VII, Section 705(b), and in accordance with NEPA. (42 U.S.C.A. 4332(2)(C).) The analysis is limited to the Proposed Action of land transfers in trust and does not address in detail future uses or activities subject to future cooperative agreements. Cooperative activities identified in the *Secretarial Report* and the Proposed Action would be subject to all applicable acts, codes, rules, and regulations at the time the cooperative agreements are completed.



## **S.2 Proposed Action**

The Proposed Action is to establish a permanent tribal land base and related cooperative activities within the Timbisha Shoshone Tribe's ancestral homeland. Overall, the Proposed Action requests authorization to transfer approximately 7,500 acres and to purchase several privately held parcels of federal land to be held in trust for the Tribe by the U.S. Secretary of the Interior. In addition, the Proposed Action directs NPS, BLM, USFWS, and the Tribe to negotiate and enter into cooperative agreements, using existing authorities, for tribal access to and use of certain lands of particular cultural and historical significance to the Tribe. The authority to manage these lands shall be retained by the respective agencies. In recognition of the contributions of the Tribe to the history, culture, and ecology of the region, the Proposed Action calls for the designation of a Timbisha Shoshone Natural and Cultural Preservation Area within and adjacent to Death Valley National Park. The following will summarize the Proposed Action according to NPS, BLM, and USFWS activity.

### **S.2.1 National Park Service**

The proposed legislation calls for the transfer of 314 acres of NPS land at Furnace Creek to the Secretary of the Interior to be held in trust for the Tribe. Located in central Death Valley National Park, the parcel includes a 25-acre nondevelopment zone and an adobe restoration area containing several historical adobe homes, which shall be managed by the Tribe as a tribal historic district. The transfer parcel is located directly south of the Furnace Creek Ranch development, east of the tribal village site and offices, and west of the junction of California State Routes 178 and 190. The action proposes that all future development at Furnace Creek be subject to standards of size, design, and impact that shall be jointly agreed upon by NPS and the Tribe.

The proposed legislation also calls for authorization to purchase two privately held parcels, an area of approximately 120 acres, identified as Indian Rancheria to be held in trust for the Tribe by the Secretary of the Interior. Indian Rancheria is located in central Saline Valley, twenty miles northwest of Ubehebe Peak, south of Saline Valley Dunes, and north of Salt Lake, and is on the Death Valley National Park boundary. It is a designated Wilderness Area.

Lands subject to Tribal cooperative activity/special use under NPS jurisdiction shall be categorized as follows: (1) Furnace Creek Tribal Cooperative Activity Areas, (2) Timbisha Shoshone Natural and Cultural Preservation Area, and (3) Other Special Use Areas.

### **S.2.2 Bureau of Land Management**

The legislation proposes transfer of approximately 7,240 acres of land currently managed by BLM to the Secretary of the Interior to be held in trust for the Tribe. The lands to be transferred are located at: (1) Death Valley Junction, California; (2) Centennial, California; (3) Scotty's Junction, Nevada; and (4) Lida Community Parcel, Nevada.

The proposed legislation also calls for authorization to purchase Lida Ranch, which is located north of Death Valley National Park, in Esmeralda County, Nevada. Situated on the eastern slope of the Palmetto Mountains off Nevada State Route 266, the 2,340-acre ranch was originally developed by a Timbisha family who gardened and grew hay for their horses and cattle on the site. The Proposed Action includes authorization to purchase from a willing seller the land and appurtenant water rights or water rights held separately, in conjunction with the parcel located at Lida Ranch.

Cooperative activities are proposed at Lida Tribal Use Area, Nevada; Eagle Mountain, California; and Warm Sulphur Springs, California.



### **S.2.3 U.S. Fish and Wildlife Service**

Cooperative activities are proposed at Ash Meadows National Wildlife Refuge, which is located outside the southeast boundary of Death Valley National Park in the Amargosa Desert, slightly north of the California-Nevada border and eight miles northeast of the junction of California State Routes 127 and 190. It is anticipated that the Tribe and USFWS may enter into a cooperative agreement to ensure Tribal access to and compatible use of the area and to allow the Tribe to participate in the protection of cultural resources in the area.

## **S.3 Description of Environment and Potentially Affected Resources**

### **S.3.1 Introduction**

Discussion of existing resources and environmental conditions are provided in Chapter 3.0:

- 3.2 — Cultural Resources
- 3.3 — Water Resources
- 3.4 — Socioeconomics and Environmental Justice
- 3.5 — Land Use, Recreation, and Wilderness
- 3.6 — Vegetation
- 3.7 — Wildlife

Those resources and environmental concerns that would not be appreciably affected by alternative actions were eliminated from further consideration and comparative analysis. Additional topics considered but dismissed from further analysis include: geology, noise, transportation, visual resources, and air quality.

As appropriate, these sections provide discussion of regional and local conditions to allow a comprehensive evaluation of the potential impacts related to the proposed land transfers in trust. Because the proposed cooperative activities/special uses do not involve permanent development, detailed evaluations of resources were not conducted as part of this LEIS. Further, cooperative agreements considered by the Tribe, NPS, BLM, and USFWS would be subject to all applicable federal laws, executive orders, departmental guidelines, and bureau policies and practices. Future development or program actions undertaken as a cooperative activity/special use would be subject to an appropriate level of environmental review.

### **S.3.2 Cultural Resources**

The past, present, and future of the Timbisha Shoshone Tribe is centered in the Furnace Creek area, their ancestral homeland. The Timbisha take their name from the locally occurring red ochre, which was used for burial ceremonies and healing purposes (Theodoratus et al. 1998, 46). In the early 20th century and perhaps earlier, Native Americans of Kawaiisu and Southern Paiute origin also inhabited Furnace Creek (Steward 1938, 91-92). With a fresh water source at their village site, these people used the Panamint Mountains to the west as their primary resource area. Although this village has changed location at least three times, Furnace Creek remains the center of Timbisha Shoshone life. The tourism associated with Death Valley National Park has attracted Native Americans of different tribal groups for work opportunities.



### **S.3.3 Water Resources**

When Congress established Death Valley National Monument in 1933 and enlarged the area to create Death Valley National Park with the passage of the California Desert Protection Act in 1994, it reserved water to meet Park purposes. With respect to water rights for Wilderness Areas under Section 706 of the 1994 act, Congress expressly reserved "...with respect to each wilderness area designated by this Act...a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved rights water shall be the date of enactment of this Act." With the exception of reserved rights to Devil's Hole, the precise nature and extent of federal reserved rights in the areas selected for establishment of the Timbisha Shoshone homeland will likely remain uncertain until the United States is joined in an adjudication, the Department of Justice files claims to water rights on behalf of the United States, and the court decrees the United States rights. (6)

The United States agreed that Fred Harvey, Inc., has appropriate water rights totaling 2,064 cubic feet per second in the Furnace Creek area of the Park that are "...prior and superior to any rights of the United States in and to the waters from such sources," and a riparian right of 0.15 cubic feet per second that "...shall not be diminished by any exercise by the United States of any claimed riparian or other right." These are collectively referred to in the agreement as Fred Harvey Inc.'s "entitlement." AmFac, Inc. is the successor to Fred Harvey, Inc.

A small number of water rights are held by landowners in the vicinity of Scotty's Junction.

### **S.3.4 Socioeconomics And Environmental Justice**

Southern Nevada, including portions of Nye County, has been and continues to be one of the fastest growing areas in the nation, and Nevada is the fastest growing state. In 1998, the U.S. Bureau of the Census identified Nye County as one of the fastest-growing counties in the United States in the category of towns with 10,000 or more persons, having experienced an increase in population of 6.1 percent from 1997 through 1998. According to Nye County sources, their population is projected to reach 51,160 by 2008, thereby experiencing a growth rate of 51.6 percent since 1998 (Planning Information Corporation 1998).

Of the three counties in the proposal area, Nye County has the highest median household income, while Inyo County, California, has the highest per capita income. Poverty levels have decreased in Esmeralda County, Nevada, since 1989, but increased slightly in Nye County and Inyo County.

Overall, the three counties are proportionate in terms of their racial, low income, and age compositions. Because the specific proposed actions are not yet definite, any attempt to estimate the potential for disproportionately high and adverse human health or environmental effects on specific population segments would be speculative at this time. Given the close similarity of the population composition and other socioeconomic characteristics between the three counties, it is unlikely that any population or community would experience any proposal-related social or economic effects in a disproportionate manner.

### **S.3.5 Land Use, Recreation, and Wilderness**

The majority of lands subject to the Proposed Action are designated as multiple use, some are designated as wilderness, and three parcels are proposed for private acquisition. Recreation is common in all these areas. (7)



8 The Furnace Creek community encompasses an area of four square miles and includes a cluster of buildings and facilities near the mouth of Furnace Creek Wash. Furnace Creek is the operational center of Death Valley National Park. At Furnace Creek, the Timbisha Shoshone Tribe maintains a tribal center and several residences. Adjacent to Furnace Creek Ranch, NPS operates its Park headquarters. In addition, a decades-old date farm still produces a cash crop of Deglet Noor dates from approximately 2,200 palms.

Furnace Creek also offers the Park's largest collection of services: including accommodations (from tent sites to luxurious suites), restaurants (fast-food to fine dining), stores (groceries, gifts, essentials), sports (swimming, horseback riding, golf), an airport, a full-service gas station, and two museums. The Furnace Creek Inn and Ranch are privately owned inholdings surrounded by the Park.

### S.3.6 Vegetation

Lands subject to the Proposed Action occur in two physiographic regions differentiated by elevation, latitude, and dominant vegetation. These two regions include the Mojave Desert and the Great Basin geomorphic provinces (Barbour 1988). The Mojave Desert is located in the rain shadow of the southern Sierra Nevada and Transverse Ranges of California. The Mojave Desert is bordered by the Great Basin Desert to the north and east and to the south by the Sonoran Desert. The region consists of relatively flat basins separated by mountain ranges. Elevations in the basins range from 1,000 to 3,300 feet above mean sea level above mean sea level. With notable exceptions, elevations in the mountain ranges rarely exceed 7,000 feet above mean sea level. Many of the basins contained extensive freshwater lakes during the Pleistocene period. The remaining dry lakebeds are often rich in mineral salts.

Vegetation in the region is dominated by low-growing shrub species with morphological and physiological adaptations to survive prolonged periods of drought and high temperatures. In the Mojave, a significant portion of the flora is contributed by ephemeral (annual) species that evade drought conditions by passing the summer and fall seasons in the form of seed until suitable conditions for germination, growth, and reproduction arise.

### S.3.7 Wildlife

9 Death Valley National Park and the adjacent desert support a variety of wildlife species, including 51 species of native mammals, 2 species of introduced large mammals, 307 species of birds, 36 species of reptiles, 3 species of amphibians, and 5 species and 1 subspecies of native fishes (Hansen 1972 and 1973; Landye 1973). Small mammals are more numerous than large mammals, such as desert bighorn sheep, coyote, bobcat, mountain lion, and mule deer. Mule deer are present in the piñon-juniper associations of the Grapevine, Cottonwood, and Panamint mountains. burros & horses

10 Characteristic vertebrate species in the region surrounding the proposed Timbisha Shoshone homeland and cooperative activity areas include coyote (*Canis latrans*), raven (*Corvus corax*), desert cottontail (*Silvilagus audubonii*), and black-tailed jackrabbit (*Lepus californicus*). Wild mustang (*Equus caballus*) and burros (*Equus assinus*) were observed on several sites. A pair of coyotes was observed at the Furnace Creek site as well as tracks and scat from ringtail (*Bassariscus astutus*), kit fox (*Vulpes velox*), and kangaroo rat (*Dipodomys* spp.).

Portions of the private parcels proposed for acquisition and transfer at Lida Ranch, and the Lida Community Parcel and Centennial transfer sites provide suitable habitat for the desert bighorn sheep (*Ovis canadensis nelsoni*). Death Valley Junction, Scotty's Junction, and Indian Rancheria are situated on historical migration routes used by the bighorn to travel between their winter and summer ranges. These parcels are considered to be important lambing areas as well.



Portions of the Centennial site are reported by the BLM sensitive-species list to provide habitat for the Panamint alligator lizard (*Gerrhonotus panamintinus*), Mohave ground squirrel (*Spermophilus mohavensis*), and burrowing owl (*Speotyto cunicularia*). The desert tortoise (*Gopherus agassizii*), a federally listed threatened species and a California Department of Fish and Game threatened species, is known from localities within and surrounding Death Valley National Park. No evidence of burrows or its presence was observed at any of the lands proposed for transfer, acquisition and transfer, or cooperative activity/special use.

#### **S.4 Description Of Potential Environmental Consequences**

##### **S.4.1 Introduction**

Chapter 4.0 discusses the potential environmental consequences (impacts) to the existing affected environment that could occur from implementation of alternatives described in this LEIS. Alternatives considered include the Preferred Alternative and No Action.

The legislative proposal incorporates the major elements associated with establishing lands in trust for the Tribe, acquisition of private parcels, and areas subject to cooperative activities/special uses. Specific development proposals for trust parcels have not been prepared. Consequently, the design, area of disturbance, projected water requirements, and other environmental factors cannot be evaluated with certainty. Further, because these lands would be held in trust for the Tribe in perpetuity, specific land use types and intensities may be subject to change over time. The impact analysis will be limited to the proposed action of land transfers in trust and not potential future development uses on transferred lands, nor actions subject to future cooperative agreements. Cooperative activities and special uses identified in the *Secretarial Report* and the Proposed Action would be subject to all applicable acts, codes, rules, and regulations at the time the cooperative agreement is completed.

##### **S.4.2 Cultural Resources**

Implementation of the Preferred Alternative would provide the Timbisha Shoshone Tribe, NPS, and BLM with greater opportunities for government-to-government collaboration and cooperation. There would be significant advantages and improvements to areas located inside and outside Death Valley National Park with the institution of this alternative. Improved communication and collaboration between the parties would likely result in greater opportunities to address resource needs in a cooperative manner. Tribal participation would also expand the interpretive perspectives developed for visitors.

##### **S.4.3 Water Resources**

With implementation of the Preferred Alternative, it is anticipated that new land development, including residential and commercial uses, would be introduced on lands that possess surface drainage features. For most of the land transfer parcels, development can be conducted without substantial alteration to desert washes, springs, or other water bodies. Specific development proposals would be required to assess the full extent of effects to surface drainage features. Cooperative activities/special uses would include efforts to restore and enhance the function of springs within the Tribe's ancestral homeland through a cooperative agreement with BLM and NPS, and these are considered beneficial effects. Anticipated environmental consequences at parcels subject to development and cooperative activities/special uses are discussed below.

Future, as yet to be identified development (mining, residential, and commercial) could alter surface water resources in Death Valley in the future and new projects could introduce fill into waters of the United States. Alteration of surface waters to accommodate development may occur on lands to be



transferred in trust to the Tribe. For cooperative activities/special uses, beneficial effects would be expected. Introduced exotic plants, fire suppression, and other human activities have altered the character of many of the springs in the Mojave Desert. Tribal participation in cooperative activities/special uses related to restoration and management of streams and spring would serve to enhance the character and flow characteristics of these water bodies, helping to repair and improve hydrologic and biological conditions.

#### **S.4.4 Socioeconomics Resources And Environmental Justice**

11 Implementation of the Preferred Alternative would generate many socioeconomic effects. On a general basis, development at lands to be transferred could generate the need for additional services such as policing, fire suppression, and emergency medical services. The Preferred Alternative would remove approximately 7,240 acres of lands from existing BLM ownership, resulting in a small decline in revenues paid by BLM to counties in California and Nevada.

12 A major reason for the proposed legislation is to obtain social and economic benefits for the Tribe as described in the *Secretarial Report*. Activities resulting in increased income for tribal members would also benefit communities, counties, and businesses in the region through consumptive purchases. There would be a minor negative economic effect from the loss of annual revenues from lands transferred from BLM. Allocation of limited water resources to the Tribe may limit development in other areas, by making water unavailable for allocation.

#### **S.4.5 Land Use, Recreation, and Wilderness**

Implementation of the Preferred Alternative would improve residential land uses at Death Valley National Park by allowing development of modern housing with up-to-date infrastructure and construction. Commercial uses within the Park would be consistent with tribal and Park values, needs, and purposes. Tribal presence in the Park would add to the historical context of visitors' experiences of Death Valley and the surrounding region of the Mojave Desert.

Specific development plans would be required to evaluate the consistency of proposed land uses with applicable plans and policies. The anticipated types and levels of development may be subject to limitation by the availability of critical resources such as water.

#### **S.4.6 Vegetation**

The Preferred Alternative assumes that some loss of plant communities would occur as a consequence of conversion to a developed condition. Lands identified for transfer were reviewed for biological constraints, including special-status plant species and sensitive plant community types. Areas known to support sensitive resources have been largely avoided, but the potential exists for special-status plant species to occur at several locations, subject to verification by focused surveys during the appropriate seasons. Loss of habitat for special-status species is considered a direct, adverse effect of the Preferred Alternative. Drawdown of groundwater upgradient of lands supporting desert riparian plant communities would be considered an indirect effect, but is not quantifiable without specific development plans (including water use) and adequate information on aquifer flow systems to predict downgradient effects.

Implementation of the Preferred Alternative would include activities with both adverse and beneficial effects. Loss of habitat for special-status plant species if it were to occur would be considered adverse. Potential benefits to plant communities and habitat for special-status species would be expected to occur with development of cooperative agreements for identified areas.



## 1.2 REGULATORY AUTHORITY FOR PROPOSED ACTION

The United States is considering the transfer of federal lands and acquisition of private lands to be held in trust for the Timbisha Shoshone Tribe by the United States Secretary of the Interior. The transfers and acquisitions would be for the purpose of creating a tribal homeland in and around Death Valley National Park pursuant to the study authorized by Section 705(b) of the California Desert Protection Act of 1994. The Tribe has been federally recognized since 1983, but has no land base.

For decades the Tribe has sought to obtain trust land within its aboriginal homeland. In 1994, Congress enacted the California Desert Protection Act (C.D.P.A., [Public Law 103-433]), including Section 705(b), which began to address the need for a recognized land base for the Tribe.

Section 705(b) directs the Secretary of the Interior to conduct a study to identify lands suitable for a reservation for the Timbisha Shoshone Tribe. This section provides:

- (1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe located within the Tribe's aboriginal homeland area within and outside the boundaries of Death Valley National Park, as described in Title III of this act.
- (2) Not later than one year after the date of enactment of this Title, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the United States Senate, and the Committee on Natural Resources of the United States House of Representatives on the results of the study conducted under paragraph (1).

The Secretary of the Interior's draft report, *Timbisha Shoshone Tribal Homeland—A Draft Secretarial Report to Congress to Establish a Permanent Tribal Land Base and Related Cooperative Activities*, proposed several recommendations that could not be accomplished by the Department of the Interior without Congressional authorization and proposed legislation.

The National Environmental Policy Act (NEPA) of 1969 and regulations of the Council on Environmental Quality (40 C.F.R. 1508.9) provide that any "proposal for legislation" must be accompanied by an EIS. (42 U.S.C.A. 4332(2)(C).) Accordingly, the National Park Service, in consultation with the Bureau of Land Management, the Bureau of Indian Affairs, and the Bureau of Reclamation, is authorized to and has prepared this LEIS to analyze the Proposed Action and the No-Action Alternative and their impacts on the environment pursuant to the California Desert Protection Act (C.D.P.A., [Public Law 103-433]) Title VII, Section 705, and in accordance with NEPA. (*Id.*).

The National Park Service (NPS) is acting as the federal lead agency for this LEIS. In October 1999, the Department of the Interior (DOI) determined that NPS would serve as the lead agency and that the Bureau of Land Management (BLM) would be a cooperating agency to implement the requirements of the National Environmental Policy Act. As jurisdictional agencies of federal lands currently under consideration for this project, NPS and BLM are responsible for determining any environmental impacts that may be associated with possible land transfer activities. The agencies are also responsible for determining appropriate mitigation measures. Other cooperating agencies acting in the preparation of this document include the Bureau of Reclamation (BOR), Bureau of Indian Affairs (BIA), and Nye County, Nevada.



### 1.3 PURPOSE AND NEED

The action considered in this Legislative Environmental Impact Statement is a set of recommendations for congressional legislation to authorize establishment of a permanent land base for the Timbisha Shoshone Tribe, and to identify locations on federal lands within the Tribe's ancestral homeland for purposes of tribal use pursuant to cooperative agreements. This action is pursuant to Section 705(b) of the California Desert Protection Act of 1994 (C.D.P.A., [Public Law 103-433]). Section 705(b) directed the Secretary of the Interior to investigate the possibility of establishing a tribal homeland for the Timbisha Shoshone.

In January 1995, a federal and tribal negotiating team was established to develop an integrated, comprehensive plan to complete a suitability study. The tribal team was composed of Timbisha Shoshone tribal officials and consultants. The federal team members were drawn from the headquarters, regional, and field offices of the Assistant Secretary for Fish and Wildlife and Parks, Bureau of Land Management, Bureau of Indian Affairs, Office of American Indian Trust, Bureau of Reclamation, and National Park Service. The tribal negotiating team leader was Tribal Chairperson Pauline Esteves. The federal negotiating team leader was John Reynolds, Director, Pacific West Region, National Park Service. Professor Charles Wilkinson of the University of Colorado Law School facilitated the process. Further information concerning the federal and tribal negotiation team meetings is provided in Chapter 5.0, "Consultation and Coordination."

The federal and tribal negotiating team produced the *Secretarial Report*, which includes a number of recommended actions (based upon specific criteria) that would establish a land base, ensure tribal access to other lands significant to the history and culture of the Tribe, and establish a framework to enable the Tribe to carry on certain tribal traditions in portions of their ancestral homeland.

Consistent with the recommendations of the *Secretarial Report*, the Proposed Action is intended to achieve the following:

- Provide land in trust wherein the Tribe can live permanently and govern its own affairs in a modern community within their ancestral homeland, which lies both outside and inside Death Valley National Park.
- 13 • Ensure that the resources inside and outside the boundaries of Death Valley National Park are protected and enhanced by cooperative activities within the Tribe's ancestral homeland and partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management and United States Fish and Wildlife Service (USFWS).
- Ensure that such activities are not in derogation of the purposes and values for which the Death Valley National Park was established.
- Provide opportunities for a richer visitor experience within and outside Death Valley National Park and in certain areas administered by the Bureau of Land Management.
- 14 • Provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development by the Tribe within and outside Death Valley National Park.

In terms of providing a permanent land base for the Tribe, the first primary purpose of the Proposed Action is to request that Congress authorize the transfer of several parcels as identified in the *Secretarial Report*. The legislation would also authorize the purchase, by the Department of the Interior, of several parcels (approximately 2,550 acres) of private land from willing sellers in California and Nevada. All



transacted lands would be held in trust for the Timbisha Shoshone Tribe by the Secretary of the Interior. These lands would be used for development, establishment of tribal communities, residence areas, and for traditional tribal activities and ceremonies.

The second primary element of the Proposed Action consists of cooperative agreements between the Tribe and NPS, BLM, and USFWS. These agreements would provide the Tribe with access to and use of certain designated areas under the jurisdiction of NPS, BLM, and USFWS for cooperative activities with the intent of maintaining and enhancing the biological and cultural values of the designated areas. All cooperative agreements would comport with objectives described in management plans for the designated areas, and shall comply with applicable state and federal regulations.

The need for the Proposed Action is implicit in the stated purpose. The Timbisha Shoshone Tribe once occupied a very large and diverse landscape in and surrounding the area now known as Death Valley National Park. The Tribe has been living in the Death Valley area, and surrounding lands for millennia, with a deep attachment to the land and traditional practices that benefited the Tribe and influenced the ecology of Death Valley and a substantial portion of the Mojave Desert. (15)

As with virtually all Native American groups, the Timbisha Shoshone people were displaced from their ancestral homeland and traditional way of life with the westward expansion of the United States. The Tribe currently has no land base and no formal agreements with federal agencies to use ancestral lands for tribal activities and ceremonies. The establishment of a tribal homeland and viable tribal communities and the development of cooperative agreements would serve to rectify the Tribe's current condition. Designation of a tribal homeland would allow the Tribe to exercise self-determination as a sovereign nation, establish economic sustainability, and establish tribal eligibility for special programs for the benefit of Native Americans. (16)

The Proposed Action also addresses NPS's need to more fully incorporate the cultural history, values, and activities of the Timbisha Shoshone Tribe into the overall management of Death Valley National Park. The Tribe's occupation of this desert land shaped the cultural practices of the Tribe and left an imprint on the land. The Tribe would play an irreplaceable role in the interpretation of Park features and resources, provide a living link to the distant past, and enrich the experience of Park visitors.



## 1.4 NEPA PROCESS AND LEAD AGENCY AUTHORIZATION

This document has been prepared to meet requirements for an LEIS, in compliance with NEPA (40 C.F.R., Parts 1500–1508; DOI Departmental Manual; BLM NEPA Handbook H-1790-1; and NPS-12; NEPA Handbook).

The following will detail the NEPA process and lead agency roles in authorizing and adopting the LEIS.

### 1.4.1 Summary of Public Involvement

The LEIS efforts began in July 1999. Discussions focused on the level of environmental assessment and the document's production schedule. (For a detailed discussion of and Public Involvement, see Chapter 5.0, "Consultation and Coordination.")

Between April and July 1999 over 500 public comment letters were received in response to the release of the *Timbisha Shoshone Tribal Homeland—A Draft Secretarial Report to Congress to Establish a Permanent Tribal Land Base and Related Cooperative Activities* report in April 1999. In September 1999, a final scoping summary document was prepared detailing a wide range of regulatory, socioeconomic, and environmental issues (see Appendix D).

This draft LEIS is the product of all the activities described above. Public meetings will be held in summer 2000 to further refine the LEIS. The LEIS is available at the Death Valley National Park headquarters, BLM offices, and regional libraries. To better manage printing and mailing costs, the draft LEIS was distributed only to those responding to a mail-back inquiry in February 2000 updating the Death Valley National Park mailing list. The draft LEIS is also available for review on the Internet at <http://www3.iwvisp.com/blm/report>.

### 1.4.2 Public Notices

Announcing a Notice of Intent (NOI) to prepare an LEIS is the first formal step in LEIS preparation.

A NOI to prepare an LEIS was published in the *Federal Register* in March 2000 and was circulated to local, state, and federal agencies and other interested parties.

### 1.4.3 Public Review of the Draft LEIS

The lead agency must work with the cooperating agencies to obtain their comments regarding the scope of the draft LEIS. (42 U.S.C. 4332(2)(C).) The draft LEIS must contain all of the required contents specified in NEPA and must disclose and discuss all major points of view on the environmental impacts and alternatives. (40 C.F.R. 1502.9(a).)

After preparing the draft LEIS, the lead agency must obtain the comments of other federal agencies with jurisdiction by law over, or special expertise with regard to, the Proposed Action, or agencies that are authorized to develop and enforce environmental standards. Such agencies are required to comment on the draft LEIS. (40 C.F.R. 1503.1(a), 1503.2.)

### 1.4.4 Agency Decisions and Authorizations

When a lead agency determines that the LEIS meets the standards for an adequate statement under CEQ NEPA regulations, it may adopt the LEIS. (40 C.F.R. 1056.3(a).) A cooperating federal agency may adopt the LEIS prepared by the lead agency if, after independently reviewing the statement, it concludes that its



comments and suggestions have been satisfied. When adopting another agency's LEIS, the cooperating agency need not recirculate the statement for public review. (40 C.F.R. 1506.3(c)). The following discussion describes the roles of the lead and cooperating agencies that must authorize and adopt the LEIS in order for the Proposed Action to be implemented.

#### National Park Service

The National Park Service preserves the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of present and future generations. NPS cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world at the direction of DOI. NPS is the federal lead agency for this LEIS. (17)

Death Valley National Park manages the land at Furnace Creek that is proposed to be transferred to the Secretary of the Interior to be held in trust for the Tribe. Further, two of the private parcels proposed for acquisition and transfer are in holdings within the boundaries of the Park. (18)

The areas proposed for Tribal use and cooperative activities within the Park include a Tribal Mesquite Use Area and Buffer Areas at Furnace Creek, and special use areas at Hunter Mountain, Wildrose, Saline Valley Springs, Mesquite Springs, and Daylight Pass.

#### Bureau of Land Management

The Bureau of Land Management, an agency within the U.S. Department of the Interior, administers 264 million acres of America's public lands, located primarily in the 12 western states. BLM sustains the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. BLM is a cooperating agency in the preparation of this LEIS.

The Proposed Action calls for BLM to transfer 7,240 acres in five parcels to the Secretary of the Interior to be held in trust for the Tribe. The Barstow Field Office manages the parcel located at Death Valley Junction, California, east of the Park. The Ridgecrest Field Office manages the parcel located at Centennial, California, west of the Park. The Tonopah Field Station manages the parcels located at Scotty's Junction, northeast of the Park, and the Lida Community Parcel at Lida Summit, north of the Park; these parcels are located in Nevada. Lida Ranch, a private parcel proposed for acquisition and transfer, is located within the jurisdictional boundaries of the Tonopah Field Station. The station also manages the Lida Tribal Use Area, which is proposed for Tribal use and cooperative activities.

#### U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service is the principal federal agency responsible for conserving, protecting, and enhancing fish, wildlife, and plants and their habitats for the continuing benefit of the American people. USFWS manages the 93 million-acre National Wildlife Refuge System comprising more than 500 national wildlife refuges, thousands of small wetlands, and other special management areas. It also operates over 60 national fish hatcheries and fish and wildlife management assistance offices, plus nearly 80 ecological services field stations and numerous law enforcement offices. Among its key functions, USFWS enforces federal wildlife laws, protects endangered species, manages migratory birds, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their international conservation efforts.

USFWS manages the Ash Meadows National Refuge, which is proposed for tribal cooperative activities.



## Bureau of Indian Affairs

The mission of the Bureau of Indian Affairs is to enhance the quality of life, promote economic opportunity, and protect and improve the trust assets of Native Americans and their tribes. BIA accomplishes this through the delivery of quality services, maintaining government-to-government relationships within the spirit of self-determination for Native Americans.

### Nye County, Nevada

Nye County, Nevada, requested and was granted cooperator status by the Department of the Interior. Nye County is the situs county of the Scotty's Junction parcel.

#### 1.4.5 Record of Decision

After the LEIS is completed, the lead agency and cooperating agencies must prepare a Record of Decision explaining what decision has been made. The ROD includes an explanation of alternatives that were considered, and a summary of the environmental consequences of the Proposed Action. As applicable, the ROD will also state which mitigation measures were or were not adopted, and how adopted mitigation measures are to be enforced and monitored. (40 C.F.R. 1505.2.)

As a non-delegated project, the Secretary of the Interior has signing authority of the ROD. At the time the ROD is signed, the Preferred Environmental Alternative would be identified.



## 2.1 SUMMARY OF THE PROPOSED ACTION

Overall, the Proposed Action requests authorization to transfer approximately 7,500 acres and to purchase several privately held parcels of federal land to be taken into trust for the Tribe by the U.S. Secretary of the Interior. In addition, the Proposed Action directs NPS, BLM, USFWS, and the Tribe to negotiate and enter into cooperative agreements, using existing authorities, for tribal access to and use of certain lands of particular cultural and historical significance to the Tribe. The authority to manage these lands would be retained by the respective agencies. In recognition of the contributions of the Tribe to the history, culture, and ecology of the region, the action calls for the designation of a Timbisha Shoshone Natural and Cultural Preservation Area within and adjacent to Death Valley National Park.

The process of review, information gathering, and negotiations over a four-year period resulted in the development of a proposal to meet the objectives described above. (Further information concerning the federal and tribal negotiation team meetings is provided in Chapter 5.0, "Consultation and Coordination.") The proposal identifies specific lands within the Timbisha Shoshone ancestral homeland to be transferred and acquired, and additional areas to which the Tribe will be provided access and the right to participate in cooperative activities in partnership with the respective federal agencies. This consolidated set of actions constitutes the Preferred Alternative, which is described in detail below.



## 2.2 ELEMENTS AND LOCATIONS OF THE PREFERRED ALTERNATIVE

### 2.2.1 National Park Service

The legislation proposes transfer of approximately 314 acres of land currently managed by NPS to the Secretary of the Interior to be held in trust for the Tribe. The land to be transferred and anticipated uses are described below. The actions are organized as follows: land transfers in trust, proposed authorization of private land acquisitions, and tribal cooperative activity/special use areas. These lands were identified in the *Secretarial Report* as meeting the criteria for suitability.

#### 2.2.1.1 Land Transfer in Trust

##### Furnace Creek

20 The proposed legislation calls for the transfer of approximately 314 acres of NPS land at Furnace Creek to the Secretary of the Interior to be held in trust for the Tribe. Located in central Death Valley National Park, the parcel includes a 25-acre nondevelopment zone and an Adobe Restoration Area containing several historic adobe homes, which would be managed by the Tribe as a tribal historic district. The transfer parcel is located directly south of the Furnace Creek Ranch development, east of the tribal village site and offices, and west of the junction of California State Routes 178 and 190. (See Map 1.) The action proposes that all future development at Furnace Creek be subject to standards of size, design, and impact that would be jointly agreed upon by the National Park Service and the Tribe.

21 Residential development anticipated for this area is between 1 and 50 single-family homes. A tribal community center may be developed, which could include space for tribal offices, recreation facilities, a multi-purpose room and kitchen, senior and youth facilities, and other tribal needs. Other development needs may include a small-to-moderate sized, upscale desert inn with a Timbisha Shoshone theme, a cultural museum and gift shop, and tribally guided hikes, lectures, and tours. The inn would not duplicate existing overnight accommodations at Furnace Creek Ranch and would be sustainably designed to ensure compatibility with Park values and purposes. (See *Secretarial Report*).

#### 2.2.1.2 Proposed Authorization of Private Land Acquisition

##### Indian Rancheria

26 The proposed legislation calls for authorization to purchase the two privately held parcels, an area of approximately 120 acres, identified as Indian Rancheria to be taken into trust for the Tribe by the Secretary of the Interior. Indian Rancheria is located in central Saline Valley, twenty miles northwest of Ubehebe Peak, south of Saline Valley Dunes, north of Salt Lake, and is on the Death Valley National Park boundary. (See Map 9). Historically, the parcels have been owned and used by the Tribe for gardens and small-scale agriculture.

The level of use is envisioned to be residential at approximately the same level that has existed in the past. In addition, there may be a small joint NPS/Tribal office for visitor information and resource management for the Saline Valley portion of the Park.

#### 2.2.1.3 Tribal Cooperative Activity/Special Use Areas

The National Park Service is authorized to designate the areas described in this subsection as nonexclusive special use areas for the Tribe, subject to other federal law. Members of the Tribe are



authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established cooperative agreement between the Tribe, and the National Park Service, and the Bureau of Land Management as appropriate.

Cooperative agreements are defined as agreements between the Tribe, the National Park Service, and the Bureau of Land Management that ensure proposed cooperative activities are not in derogation of the purpose and values for which Death Valley National Park was established.

Cooperative activities are activities to take place within the Tribe's ancestral homeland that ensure the resources both inside and outside the Park are protected and enhanced.

Descriptions of the Tribal Cooperative Activity/Special Use Areas under NPS jurisdiction are found in the following sections: (1) Furnace Creek Tribal Cooperative Activity Areas, (2) Timbisha Shoshone Natural and Cultural Preservation Area, and (3) Other Special Use Areas.

#### **2.2.1.3.1      Furnace Creek Tribal Cooperative Activity Areas**

##### **Tribal Mesquite Use Area**

The Tribal Mesquite Use Area is located adjacent to Furnace Creek within Death Valley National Park, and is generally depicted on Map 6. The Tribe could use this area for processing mesquite using traditional plant management techniques such as thinning, pruning, harvesting, removing excess sand, and removing exotic species. NPS would limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe.

##### **Buffer Area**

The Buffer Area is located adjacent to Furnace Creek and is approximately 1,500 acres in size, as generally depicted on Map 8. NPS would restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

#### **2.2.1.3.2      Timbisha Shoshone Natural and Cultural Preservation Area**

The area of the proposed Timbisha Shoshone Natural and Cultural Preservation Area would be managed in accordance with a jointly developed and established land management plan. It extends from near the southwest border of Death Valley National Park along the western axis of the Park, including portions of the Nelson and Panamint Mountain ranges, to the north end of the park. This area is generally depicted on Map 7. The area includes lands administered by NPS and BLM. Approximately 95 percent of this land is designated Wilderness. Actions proposed to occur within the Timbisha Shoshone Natural and Cultural Preservation Area include tribal traditional activities such as camping, ceremonies, and other traditional practices at specified locations subject to a jointly developed cooperative management plan prepared by the Tribe, National Park Service, and Bureau of Land Management.

The anticipated activities and uses listed below apply to specific areas within the Timbisha Shoshone Natural and Cultural Preservation Area that are of historical, cultural, and religious significance to the Tribe.



### Hunter Mountain

Hunter Mountain is located in the Nelson Range in the west-central part of Death Valley National Park, south of Saline Valley and north of Talc City Hills. This mountainous area includes several peaks over 7,000 feet in elevation. The area is generally depicted on Map 7.

It is anticipated that tribal members could use **traditional camps** at Hunter Mountain in accordance with the jointly established management plan developed pursuant to a future cooperative agreement between NPS and the Tribe.

### Wildrose

Wildrose Canyon is located in the Panamint Range in the west-central part of Death Valley National Park at an elevation of about 4,500 feet. The area is generally depicted on Map 7.

It is anticipated that tribal members could use **traditional camps** at Wildrose in accordance with the jointly established management plan developed pursuant to a future cooperative agreement between NPS and the Tribe. In addition, the Tribe could establish and maintain a **tribal resource management field office**, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of the Proposed Legislation.)

### Saline Valley Springs

Saline Valley Springs are located in the Saline Valley in the northwestern part of Death Valley National Park. The area is generally depicted on Map 7. **The Tribe no longer uses the springs because current visitor use is incompatible with the Tribal values associated with the springs.**

The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the Tribe to the area. **The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs.**

#### 2.2.1.3.3 Other Special Use Areas

Special use areas entail cooperative activities that could be subject to a cooperative agreement. In recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park would be enhanced by the increased and continued presence of the Tribe, the Secretary would permit the Tribe's continued use of Park resources within special use areas for traditional tribal purposes, practices, and activities. Moreover, any use of Park resources by the Tribe would not be in derogation of purposes and values for which the Park was established.

### Mesquite Springs and Daylight Pass

24 Mesquite Springs is located in the northeastern part of Death Valley National Park off of Nevada State Route 267. Daylight Pass is on a main route into the Park from the northeast on Nevada State Route 374. The pass is over 4,000 feet above mean seal level in elevation, and provides views of Death Valley. These areas are generally depicted on Map 8.

25 Timbisha Shoshone Homeland LEIS

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Description of Proposed Action



For the purposes of this LEIS, uses have not been defined concerning Mesquite Springs and Daylight Pass. Any special uses that entail cooperative activities subject to a future cooperative agreement are subject to all applicable acts, codes, rules, and regulations.

## 2.2.2 Bureau of Land Management

### 2.2.2.1 Land Transfers In Trust

The legislation proposes transfer of approximately 7,240 acres of land currently managed by BLM to the Secretary of the Interior to be held in trust for the Tribe. The lands to be transferred and the anticipated uses are described below. The actions are organized according to the BLM jurisdiction of the individual parcels. These lands were identified in the *Secretarial Report* as meeting criteria for suitability, and land transfers were determined to be appropriate for the individual parcels.

Cooperative activities are proposed at Lida, Nevada. These are described under actions related to the BLM Tonopah Field Station, which has jurisdiction over Lida Community Parcel, Lida Ranch, and Lida Tribal Use Area.

#### Death Valley Junction

Death Valley Junction is located in Inyo County, California, at about 2,000 feet in elevation in open saltbush scrub habitat. The 1,000-acre parcel lies on the eastern edge of an alluvial fan sloping gently to the east. The parcel is bordered by the community of Death Valley Junction on the southeast side, is bisected by State Route 190, and is east of the junction of California State Routes 127 and 190. Death Valley Junction is under the jurisdiction of BLM's Barstow, California, Field Office. The parcel is depicted on Map 2.

It is anticipated that the land would be used for single-family residences and small-scale economic development.

#### Centennial

The proposed legislation calls for the transfer of 640 acres of BLM land in the Centennial Flat area to the Secretary of the Interior to be held in trust for the Tribe. The parcel is located in Inyo County, California, west of Death Valley National Park, at 4,000 to 5,000 feet in elevation (see Map 3). It is part of Centennial Flat, which is ringed on three sides by desert mountains. The parcel contains creosote bush and Joshua tree woodland. State Route 190 runs to the north and China Lake Naval Air Weapons Station lies to the south. The land parcel would be used for residences and possibly small-scale economic development. The current location of the parcel differs from the location illustrated in the *Secretarial Report*. This is as a consequence of refinement of the location through field visits by BLM and the Tribe. The present location (Talc City Hills USGS quadrangle: Township 19 South, Range 39 East, portions of Sections 10 and 11) is approximately two miles northeast of the location depicted on Map 6 of the *Secretarial Report*. The Centennial parcel is an important location at the western edge of the Tribe's ancestral lands in view of Hunter Mountain, which is a traditional hunting and camping area. A sacred relationship exists between Hunter Mountain and the valley floors below. The area was historically used for both summer and winter camps, and is documented as a place where tribal members conducted communal rabbit and antelope hunts and gathered basketry materials. The Centennial parcel is under the jurisdiction of BLM's Ridgecrest, California, Field Office.



The Centennial parcel was located to avoid state land, mining claims, and a Bureau of Land Management Wilderness Area. This parcel is subject to a withdrawal by the Los Angeles Department of Water and Power (DWP). The parcel is within a cattle-grazing allotment and within the Centennial Wild Horse Herd Management Area.

It is anticipated that the land would be used for single-family residences and small-scale economic development.

#### Scotty's Junction

The proposed legislation calls for the transfer of 2,800 acres of BLM land at Scotty's Junction to the Secretary of the Interior to be held in trust for the Tribe. The parcel is located east of Death Valley National Park in Nye County, Nevada, south and west of the junction of U.S. Highway 95 and State Route 267. The land parcel is located at the upper end of Sarcobatus Flat (see Map 4). This area is within the Tribe's homeland and several tribal families lived there. Scotty's Junction is under the jurisdiction of BLM's Tonopah, Nevada, Field Station.

It is anticipated that the land would be used for single-family residences and small-scale economic development.

#### Lida Community Parcel

The proposed legislation calls for the transfer of 2,800 acres of BLM land at Lida Summit to the Secretary of the Interior to be held in trust for the Tribe. This parcel is located north of Death Valley National Park in Esmeralda County, Nevada, and lies on the eastern slope of the Palmetto Mountains (see Map 5). The Lida Community Parcel is adjacent to Lida Ranch and the historic town of Lida on Nevada State Route 266. This area has been used continuously by tribal members since at least the early 19th century, and continues to be used for hunting, and harvesting pine nuts. The site contains at least four springs known to tribal members who in the past had gardens and raised cattle in the area. Further, the parcel is within a grazing allotment. However, the grazing permit has been revoked and, thus, no grazing is currently authorized.

It is anticipated that the land would be used for single-family residences and small-scale economic development.

### 2.2.2.2 Proposed Authorization of Private Land Acquisition

#### Lida Ranch

The proposed legislation calls for authorization to purchase Lida Ranch, which is located north of Death Valley National Park, in Esmeralda County, Nevada. Situated on the eastern slope of the Palmetto Mountains off State Route 266, the 2,340-acre ranch was originally developed by a Timbisha family who gardened and grew hay for their horses and cattle. The Proposed Action includes authorization to purchase from a willing seller the land and appurtenant water rights or water rights held separately, in conjunction with the parcel located at Lida Ranch (see Map 9). Lida Ranch is within the jurisdiction of the Tonopah, Nevada, Field Station.



### 2.2.2.3 Tribal Cooperative Activity/Special Use Areas

#### Eagle Mountain

Eagle Mountain is a prominent limestone massif that rises several hundred feet from the desert, adjacent to the Amargosa River valley. Situated outside the southeast boundary of Death Valley National Park, and five miles southeast of Death Valley Junction, Eagle Mountain contains a variety of vegetative communities. It is bounded on the west by State Route 127 and is adjacent to the Amargosa River drainage. The Eagle Mountain area is within the jurisdiction of BLM's Barstow, California, Field Office and is generally depicted on Map 8.

It is anticipated that the Tribe would enter into a future cooperative agreement with BLM to participate in resource protection and restoration.

#### Warm Sulphur Springs

Warm Sulphur Springs is located outside the southwest boundary of Death Valley National Park near State Route 178. The springs are in the southern portion of the Panamint Valley at an elevation of approximately 2,000 feet. The site has been designated an Area of Critical Environmental Concern (ACEC) to protect the desert marsh habitat, which includes the marsh and the surrounding mesquite bosques.

The Warm Sulphur Springs area is within the jurisdiction of BLM's Ridgecrest, California, Field Office and is generally depicted on Map 8.

It is anticipated that the Tribe would enter into a future cooperative agreement with BLM to participate in resource protection and restoration.

#### Lida Tribal Use Area

This area is north of Death Valley National Park on State Route 266 and covers a large part of the Palmetto Mountains including the Lida Community Parcel and Lida Ranch. It consists largely of mixed piñon and juniper stands. Surface water includes numerous springs and streams that vary from intermittent to perennial. Magruder Mountain, which anchors the southern portion of the area, is a well-used recreational area and also supports mining and ranching. The Lida Tribal Use Area is under the jurisdiction of BLM's Tonopah, Nevada, Field Station. The parcel is depicted on Map 8. There are no grazing permits associated with this land; no grazing is currently authorized.

It is anticipated that the Tribe and BLM would negotiate and enter into a cooperative agreement concerning this area, ensuring tribal access and use and to allow the Tribe to participate in piñon nut gathering, and resource protection activities. Examples of resource protection activities may include vegetation management and restoration at spring sites, education programs to teach nontribal piñon nut collectors how to harvest pine nuts without damaging piñon pines, and development of a cooperative piñon pine management plan with BLM.



2.2.3 United States Fish and Wildlife Service

2.2.3.1 Tribal Cooperative Activity Area

Ash Meadows National Wildlife Refuge, Nevada

Ash Meadows National Wildlife Refuge, established in 1987, is located outside the southeast boundary of Death Valley National Park in the Amargosa Desert slightly north of the California-Nevada border and eight miles northeast of the junction of State Routes 127 and 190. This desert oasis has a great diversity of species and is critically important to several endangered species, including the Ash Meadows pupfish. USFWS has jurisdiction over the Ash Meadows National Wildlife Refuge. The area is generally depicted on Map 8.

It is anticipated that the Tribe and USFWS may enter into a cooperative agreement to ensure Tribal access to and compatible use of the area and to allow the Tribe to participate in the protection of cultural resources in the area.

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tourism associated with Death Valley National Park attracted Native Americans of different groups for work opportunities.

Natural resources important to the Timbisha Shoshone include mesquite and desert bighorn sheep. The mesquite groves near Furnace Creek have great cultural significance, as their seeds were historically known far and wide for their sweet flavor (Steward 1938, 92). Tule Spring or *Toah Poize* (Bennett's Well) was a favored winter camp because of its water source and mesquite groves (Kirk 1969). Storage pits have been found west of Tule Spring, in the Hanaupah Fault Scarp. Desert bighorn sheep were hunted with bow and arrow, and were considered an important source of meat and raw materials. The Timbisha Shoshone demonstrated their regard for these animals by depicting them in petroglyphs and pictographs. The desert bighorn sheep transcended the subsistence sphere of life and entered the spiritual and ideational realm of the Timbisha Shoshone, having symbolic as well as subsistence value.

For centuries the Timbisha Shoshone spent winters at Furnace Creek, and the cultural resources expected within this parcel may extend across the entire gamut of social and subsistence activities. (Armstrong et al. 1995, 28; Fowler et al. 1995b, 61). Then Shoshone and other human groups often engage in a wide variety of subsistence, social, and spiritual activities within a single location; winter village sites often encompass the entire array of these activities. Because of the fresh water source at Furnace Creek, human groups have probably used the area for many thousands of years, perhaps even extending back to the Pinto period. date ?  
(2)

Historic era resources unrelated to the Timbisha homeland are also located in this area and may be significant. The Twenty Mule Team road is a potentially important historical resource in the lower Furnace Creek area. Most of the three-mile road is located on patented claims owned by U.S. Borax. The Monte Blanco borate mine, which appears to have experienced some late development in the early 1950s, and the assay office site in Twenty Mule Team Canyon have been determined to be eligible for inclusion on the National Register of Historic Places (NRHP). The area contains the original Death Valley colemanite discovery site and the oldest building in the Park, as well as several unique dugout, mound, and stone platform variations.

Additional cultural resources include structures built by the Civilian Conservation Corps (CCC) during the 1930s and 1940s. In the 1950s, Hunt recorded 12 adobe structures built by the CCC in 1936. Only seven of these buildings were still standing when Hunt recorded them—the other five were foundations or depressions. According to NPS, a draft NRHP nomination form for Furnace Creek Wash Historic District has been filed. Given that American settlers have been present at the site for nearly 140 years, the area likely has considerable cultural resources reflecting both the mining and tourism industries.

California State Route 190 has historical significance in the Furnace Creek Wash area as the route early gold seekers followed into Death Valley while searching for a shortcut to the California gold fields. The 260-acre Boraxo mine was the first major open pit mine in the Park. Features of potentially historical significance in the upper Furnace Creek area include the Ryan Mines and a railroad grade (located outside the Park), which served the mines until the 1920s. A few trash deposits and a gypsum wall of unknown origin at the Park's east boundary have also been identified.



### 3.2.2.1.2 Proposed Authorization of Land Acquisition

#### Indian Rancheria

Steward (1938, 79) identified two winter villages in the Indian Rancheria area. The main village of *Icam'ba* (Coyote Water) at Waucoba Spring was on the eastern slope of Waucoba Mountain. The second village of *Pau'onzi* was at Lead Canyon Spring. Although most foods were procured locally, the Inyo Mountains also provided these villagers with pine nuts and deer. Rabbits, antelope, and seeds were available in the surrounding low hills, while dune grass seeds were gathered from both the Eureka and Saline valleys (Steward 1938, 79).

Because Shoshone groups may have spent many winters at *Icam'ba* and *Pau'onzi*, the cultural resources expected to be within this parcel are similar to those anticipated at Furnace Creek. Known cultural resources located nearby include hot springs and bighorn sheep hunting grounds (Fowler et al. 1995b, 29-30). Given the source of fresh water at Indian Rancheria, human groups may have used this area for thousands of years.

Elements of additional cultural and historical significance for the Timbisha Shoshone are related to two pieces of land in the lower Saline Valley area that were allotted in the 1880s. Collectively known as the "Hunter Ranch," one parcel was owned by Tom and Guadalupe Hunter and the other by Caesar. Caesar's allotment was apparently sold in the 1950s. Indian Rancheria was a reservation area until 1958. In the available historical files dating from 1885, the Hunter family continues to hold title to their property.

Files at the Land Office at Independence, California, dated May 18, 1892, and June 30, 1892, include many documents on the Tom Hunter allotment (#462) and on the Caesar allotment (#463), including the applications, supporting documents that include forms listing the date of settlement and improvements made on the property, and statements of testimony from witnesses regarding the applicants.

There are also letters regarding water rights on the two allotments. A March 14, 1903, letter from James Allen, Superintendent of the Indian School in Carson, Nevada, to the Commissioner of Indian Affairs describes the Western Borax Company's treatment of Caesar and Hunter as follows: "they have been unfair in the division of water so that it is no longer possible for [the landowners] to raise melons or vegetables...[this] condition has compelled many of them to leave...in order to sustain life... [E]ven Caesar and G. Hunter...will finally be compelled to leave or be starved out." (Margaret Peter, Big Pine, California, letter to Superintendent C.H. Asbury, Stewart, Nevada, regarding expiration of Borax Company water rights' lease, June 15, 1909. (Fowler 1995, Appendix D:IIC-b1-8)). The Indian landowners ultimately did abandon the property because of water problems in the 1920s.

The Timbisha Shoshone inhabited this parcel in both prehistoric and historic times. As a result, the cultural resources on this property reflect pre-contact lifeways as well as historic adaptation. The Hunter Ranch area is considered an important resource to the Timbisha Shoshone (Fowler et al. 1995b). Although pre-contact behavior patterns are often the focus of attention, the importance of historic Shoshone lifeways also deserves recognition. The continuous occupation of this parcel by the Timbisha Shoshone—in prehistoric winter villages and modern ranches—reflects the importance they placed upon the hot springs.



### 3.2.2.2 Bureau of Land Management

#### 3.2.2.2.1 Land Transfers in Trust

##### Death Valley Junction

Several families consisting of about 25 individuals of mixed Timbisha Shoshone and Southern Paiute ancestry lived here during the early 1920s (Fowler et al. 1995b, 65). The proximity of this parcel to the Amargosa River may favor winter and spring subsistence and settlement activities.

Historic Native American resources may include those properties and structures associated with the Holmes family of Death Valley Junction, who have descendants on the Timbisha rolls (Fowler et al. 1995b, 65). Another Native American family living here was the Weed family, who are members of the Southern Paiute from the Pahrump-Las Vegas area. This parcel reflects 20th-century occupation by the Timbisha Shoshone. As indicated by Fowler and others (1995b, 66), the proposed transfer of Death Valley Junction in trust to the Timbisha Shoshone reflects commercial rather than cultural interests.

Additional known historic resources include two recorded sites. The Tidewater and Tonopah Railroad runs along California State Route 127, and extends into the parcel (Reed 2000). This site has remnants of track beds and ballast, as well as trash deposits from track construction and maintenance. The second site is the location of a purported 1900s school and residence, although no standing structures remain (Reed 2000).

##### Centennial

This parcel is located within the Little Lake Shoshone homeland (*Kuhwiji* District), close to Northern Paiute, Kawaiisu, and Tubatulabal lands. Black Rock Springs, south of the parcel, has an elevation of 6,200 feet above mean sea level. Although Steward (1938, 81) describes Black Rock Springs as a summer village where the Shoshone gathered seeds, they also communally hunted rabbits in the fall and trapped rabbits in the winter (see also Fowler et al. 1995b, 47). As there were only three winter villages within a 1,000-square-mile area, cohesiveness among villages was not as strong as in other Shoshone districts.

Steward's description of the seasonal activities within the *Kuhwiji* District is based on the inhabitants of the Coso Hot Springs village (1938, 81). During the winter, the Shoshone hunted rabbits, ate cached seeds, and lived in pit houses. In April they traveled about 12 miles to Haiwee Springs where they finished their stored seeds and gathered greens. After about a month or two, they moved to Cold (or Coles) Spring, where a few Shoshone often wintered. In midsummer they would gather mesquite in Saline and Death valleys, where they would process the seeds into flour. They often cached surplus flour for future use.

Throughout this time, they individually hunted rabbits with spring-pole traps. Perhaps during the fall they would hunt the rabbits communally, or travel to Owens Lake for ducks. The Furnace Creek Shoshone did not participate in these communal rabbit hunts, as they had their own drives in the Panamint Mountains (Steward 1938, 82). When resources in the area became scarce, the Little Lake Shoshone would join the Furnace Creek Shoshone in the Panamint Mountains.

Shoshone tribe members may have spent the winter at Centennial Flat, so the cultural resources expected within this parcel extend across the entire range of social and subsistence activities. (Fowler et al. 1995b, 51).



According to Judyth Reed of BLM's Ridgecrest Field Office, the Timbisha Shoshone made final selection of the actual boundaries of this 640-acre parcel during the week of February 7, 2000 (Judyth Reed, BLM, telephone conversation with Roman Beck, Past Forward, February 2000). According to Ms. Reed, the entire parcel is situated on an alluvial fan approximately 10 miles south of State Route 190. Concurrent with this determination, BLM has contracted a cultural resources management firm to investigate archaeological and cultural resources on this parcel, and their research has identified no cultural resources.

#### Scotty's Junction

This area is within the Timbisha Shoshone Tribe's homeland and several families lived there. The parcel is within the location of *Yogwena*, the Shoshone name for Sarcobatus Flat (Fowler et al. 1995b, 15). Tribal members hunted deer and desert bighorn sheep until the 1940s and the area contains important lambing areas. Although Steward recorded no ethnographic village sites in this area, Sarcobatus Flat may have archaeological sites related to hunting, such as lithic scatters and animal processing locations.

Several resource inventories have been completed along the U.S. Highway 95 corridor (Mike Baskerville, BLM, telephone conversation with Roman Beck, Past Forward, February 2000). Although no cultural resources have been recorded within this area, a landing strip possibly associated with World War II activities exists nearby. Even though no specific historical resources have yet been identified at Scotty's Junction, the proximity of the parcel to the mining areas at Gold Mountain to the west as well as the old railroad grade to the south indicate the possibility the parcel may contain early American settler sites. A windmill just east of U.S. Highway 95 may also reflect historical activity on the parcel.

#### Lida Community Parcel

This area has been continuously used by the Timbisha Shoshone since at least the early 19th century, and continues to be used for hunting, and harvesting pine nuts. At least five traditional villages were located in this area. There are at least four springs known to tribal members, who in the past had gardens and raised cattle in the area (Fowler et al. 1995b).

Shoshone families lived here throughout the year, so all types of cultural resources are expected within this parcel. Known cultural resources located nearby include dance grounds, and pine nut and animal processing locations. Because of its close proximity to Lida Ranch, and the coarse detail of historical maps, some confusion may exist over the precise locations of cultural resources at the Lida Community Parcel. Some resources thought to be at Lida Ranch may actually be at Lida Community Parcel, and vice versa.

### **3.2.2.2.2 Proposed Authorization of Private Land Acquisition**

#### Lida Ranch

This fee simple, privately owned land has not been inventoried for cultural resources. Steward's investigation of the area (1938, 69) found the village known as *Pauwaha* (Lida) that consisted of five families. Most were Shoshone, but some village members spoke Northern Paiute. He found that the Lida Shoshone collected most of their resources locally. An ample supply of pine nuts kept the Shoshone at Lida and a village known as *Tunava* (Pigeon Springs) during communal gathering time. The Timbisha Shoshone also collected seeds and roots by limiting brush undergrowth through controlled burning. The Lida Shoshone participated in festivals at Pigeon Springs with other groups, including those from Fish Lake Valley, Gold Mountain, Stonewall Mountain, Palmetto, and Pigeon Springs (Steward 1938, 70).



There was ample water in springs nearby where other Timbisha Shoshone families lived. The springs were important sites for tribal gatherings related to ceremonial activities before and after the pine nut harvest. Throughout the Great Basin, cultural and archaeological resources are often near sources of fresh water. Stands of pine trees are also common locations for cultural resources.

Timbisha Shoshone families lived here throughout the year, so all types of cultural resources are expected within this parcel. Although privately held, Timbisha Shoshone members continue to hunt deer at Lida Ranch. Known cultural resources located nearby include dance grounds, and pine nut and animal processing locations. A member of the Timbisha Shoshone Tribe, Maggie Shaw built Lida Ranch in the 1930s (Fowler et al. 1995b), where she gardened and grew alfalfa for her horses and cattle. Lida Ranch is an important historical Native American property for the same reasons ascribed to Hunter Ranch. The Timbisha Shoshone have inhabited this parcel in both prehistoric and historic times.

Several resource inventories have been completed along the Nevada State Route 266 corridor (Mike Baskerville, BLM, telephone conversation with Roman Beck, Past Forward, February 2000). Two sites have been recorded containing obsidian and chert flakes, Cottonwood, Humboldt, and Rosegate projectile points, biface fragments, and a chert knife.

### 3.2.2.2.3 Tribal Cooperative Activity Area/Special Use Areas

#### Eagle Mountain

As Steward (1938) did not visit the area, and Fowler and others (1995b) did not identify any cultural resources in the vicinity of Eagle Mountain, the importance of this area to the Timbisha Shoshone is relatively unclear, despite the fact that this mountain is situated near the edge of the tribal range bordering Southern Paiute territory.

The expected cultural resources on Eagle Mountain could include both prehistoric and historic archaeological sites. Shoshone and Southern Paiute hunters from the Gypsum period could have built hunting-related features for targeting deer and desert bighorn sheep. They could have also had spring and fall villages on the gentler slopes at the mountain's base. Historical resources may include refuse from mining activities. In 1866, a miner by the name of Gillis is recorded as having traveled from Ash Meadows to Eagle Mountain in search of fresh water (Lingenfelter 1986, 90).

#### Warm Sulphur Springs

The Timbisha Shoshone attach considerable importance to the springs, desert marsh and mesquite groves of this area. Warm Sulphur Springs is an important place that the Timbisha Shoshone wish to restore and preserve. This site is also closely associated with George Hansen.

According to Steward (1938, 84), the main—and perhaps only—winter village in northern Panamint Valley was at Warm Sulphur Springs (*Ha:uta*). By historic times, the population here numbered about 100 individuals. Although most villagers were Shoshone, some Kawaiisu also lived here. Subsistence activities focused on collecting and processing mesquite seeds. The proximity of this village to the Panamint, Argus, and Coso Mountains gave the Warm Sulphur Springs Shoshone access to diverse resources. Steward (1938, 85) believed that few communal activities occurred here, because the Death and Saline valleys were nearby.

The expected cultural resources at Warm Sulphur Springs could also include both prehistoric and historic archaeological sites. The winter village at Warm Sulphur Springs could reflect the entire range of social and subsistence activities (Fowler et al. 1995b, 57).



Historical resources could include materials from the ranching and agricultural activities of Timbisha Shoshone members. Corrals, barns, and other ranching structures may have considerable historical value here. George Hansen and other Timbisha Shoshone who lived here during the 19th and early 20th centuries have descendents still living in the area. The importance of Warm Sulphur Springs to the Timbisha Shoshone covers a period of 200 years and perhaps much longer. In addition to ranching activity, other historical resources may include the remnants of mining activity.

Lida Tribal Use Area

The expected cultural resources at Lida Ranch and Lida Community Parcel can also be anticipated within the Lida Tribal Use Area. (See Sections 3.2.2.2.1, "Land Transfers in Trust, Lida Community Parcel" and 3.2.2.2.2, "Proposed Authorization of Private Land Acquisition, Lida Ranch.")

**3.2.2.3 U.S. Fish and Wildlife Service**

**3.2.2.3.1 Tribal Cooperative Activity Area**

Ash Meadows National Wildlife Refuge

Based on ethnographic data collected by Steward (1938, 92, 182), Ash Meadows has a greater association with the Southern Paiute than with the Timbisha Shoshone. Inhabitants of Ash Meadows traveled east and southeast to Mount Shader and the Spring Mountains for subsistence activities, leaving a relatively under-used area between Ash Meadows and Death Valley during ethnographic times (Steward 1938, 92).

At Ash Meadows, prehistoric cultural resources could include Southern Paiute and Timbisha Shoshone villages near the springs (Fowler et al. 1995b, 23).



### 3.3 WATER RESOURCES

This section is based on a site visit, U.S. Geological Survey topographic maps of the lands proposed for transfer, acquisition and transfer, and cooperative activities/special uses; discussions with NPS and BLM hydrologists, and water resource information pertinent to the proposed establishment of the Timbisha Shoshone Natural and Cultural Preservation Area. The information presented is derived primarily from *Groundwater Resource Issues of Death Valley National Park Related to the Timbisha Shoshone Proposed Reservation* (Werrell 1998) and additional sources as cited in the text.

#### 3.3.1. Regional Setting

##### 3.3.1.1 Water Resources

Parcels and areas proposed for transfer, acquisition and transfer, and cooperative activities/special uses overlie one of three separate groundwater flow systems. Furnace Creek, Death Valley Junction, Scotty's Junction, Lida Ranch, and Lida Community Parcel occur within the Death Valley groundwater flow system. Indian Rancheria occurs within the Saline Valley groundwater flow system. Centennial overlies the Owens Lake groundwater flow system. Lida Valley is considered part of the Death Valley Ground Water Flow System. (See outflow estimations to Sarcobatus Flats and Death Valley on page 93.)

The three groundwater flow systems are similar in their morphology, climate, and aquifer characteristics. Of the three systems, the Death Valley groundwater flow system is the most extensively studied and documented and is representative of general characteristics of the other three groundwater flow systems. Because hydrogeologic information is most readily available for the Death Valley flow system, the majority of the regional setting discussion for the three groundwater flow systems focuses on the Death Valley flow system.

##### Death Valley Groundwater Flow System

The Death Valley groundwater flow system, named for the playa and spring system in Death Valley National Park, is the ultimate discharge area for a regional groundwater flow system that encompasses southern Nevada and southeastern California. The groundwater at Death Valley National Park originates as precipitation that falls in the mountain areas surrounding the Park. Surface water resources are extremely intermittent and groundwater is the primary water source in the region.

The Death Valley groundwater flow system underlies about 15,800 square miles and includes approximately 30 hydrographic basins. Each basin typically contains a structural depression that is partly filled by material eroded from adjacent mountain ranges. The basins are separated by intervening mountain ranges that occupy about 25 percent of the area. The rocks that underlie the basins and mountains may be highly fractured, thus permitting regional groundwater migration under local topographic divides from high altitude areas in the northern part of the system toward low areas in Death Valley.

Average annual rainfall in Death Valley is about 1.9 inches and in the other valleys is about 4 to 5 inches. Above 7,000 feet annual precipitation may average between 12 to 25 inches.

Surface drainage is generally from the mountains to adjacent basins. Some basins are topographically closed. Water accumulates in playas following infrequent periods of high precipitation and runoff. Other basins are drained by rivers and streams that flow toward Death Valley when water is available. The Amargosa River is the most prominent of these intermittent drainages. During very wet years it flows all the way to the Death Valley playa or saltpan where a shallow intermittent lake is formed.



The main aquifers present in the flow system include basin-fill aquifers, carbonate-rock aquifers, and volcanic-rock aquifers. In some localized areas groundwater is also transmitted through highly fractured zones of older noncarbonate sedimentary rock. Other rocks and deposits impede groundwater flow. These include fine-grained deposits in the basin fill, some types of volcanic rock, noncarbonate sedimentary rocks that are not highly fractured, and crystalline rocks (see Figure 1). In the eastern part of the system carbonate-rock aquifers are most extensive and in the northwest part of the system volcanic-rock aquifers are most extensive. Groundwater flow in the eastern and northwestern parts of the system is predominantly through carbonate-rock and volcanic-rock aquifers respectively. Some flow moves through basin-fill aquifers in all parts of the system.

Groundwater moves from recharge areas in the high-altitude parts of the system to valleys in the southern part of the system and ultimately to Death Valley, which is the lowest part of the system. The water flows downgradient along the path of least resistance, generally moving through the aquifers and around the deposits that impede flow. Groundwater is naturally discharged at intermediate discharge areas in the flow system in addition to the ultimate discharge area at Death Valley. Such intermediate discharge areas include Sarcobatus Flat where groundwater is near the surface and withdrawn by phreatophytes (plants whose roots reach the water table), and Oasis Valley, Alkali Flat near Death Valley Junction, and Ash Meadows where discharge is by phreatophytes and at springs that discharge from the regional aquifer system (Bedinger 1997). The remainder flows to Death Valley to be discharged from springs, wet areas at the margin of the saltpan, or evaporation from the saltpan.

There is a finite and limited yield for the Death Valley groundwater flow system. The system yield is not an independent amount for each basin. Water withdrawn from an interconnected basin can not be supplied solely from diminishment of local spring flow and local evapo-transpiration. The basins are interconnected and effects of withdrawals extend beyond basin boundaries. Each incremental increase in pumping from upgradient basins would cause an incremental decrease in flow to the Death Valley flow system's intermediate and ultimate discharge areas. NPS could enter into a cooperative agreement with the Tribe that its federal reserve and state water rights would be managed with the goal of having no effect on Death Valley National Park water resources.

#### Saline Valley Groundwater Flow System

The Saline Valley groundwater flow system is a 210-square-mile alluvial basin with an internal drainage system. The basin is surrounded by the Inyo Mountains to the west, the Saline Range to the north, the Dry Mountains to the east, and the Nelson Range to the south. Similar to the Death Valley flow system, recharge occurs in the form of precipitation that falls on the mountain ranges that ring the basin. The groundwater moves from recharge areas in the high-altitude parts of the system to the valleys below. The water flows downgradient along the path of least resistance, generally moving through the aquifers and around the deposits that impede flow. The groundwater is naturally discharged at intermediate discharge areas in the flow system in the form of springs in addition to the ultimate discharge at the Saline Valley salt flat (State of California Department of Water Resources 1975).

The main aquifers present in the flow system include basin-fill aquifers, carbonate-rock aquifers, and volcanic-rock aquifers. In some localized areas groundwater is also transmitted through highly fractured zones of older non-carbonate sedimentary rock. Other rocks and deposits impede groundwater flow. These include fine-grained deposits in the basin-fill, some types of volcanic rock, noncarbonate sedimentary rocks that are not highly fractured, and crystalline rocks.



## Esmeralda County

Esmeralda County, located in the southwestern portion of Nevada east of Death Valley National Park, covers approximately 3,570 square miles. Like Nye County, Esmeralda County's history is closely linked with its mineral wealth, particularly gold. Approximately 98 percent of the county's total area is controlled and managed by the federal government (BLM, USFWS, and NPS). This area includes lands of the Inyo National Forest and Death Valley National Park. The major communities in Esmeralda County are Goldfield and Silver Peak. Of the areas included in the proposed legislative action, the Lida parcels and specialized areas are located in Esmeralda County.

The following sections address population, demographic characteristics, the economy and employment, housing, schools/and other public services in the three-county region of influence. Issues pertaining to Environmental Justice pursuant to Executive Order 12298 are also addressed. Pertinent socioeconomic information provided in these sections was extracted from U.S. Census data, an analysis entitled *Economic Impact Analysis: Northern and Eastern Mojave Planning Area* (Dean Runyan and Associates 1998), and other relevant studies.

### **3.4.2 Population and Demography**

Population and demographic characteristics of Inyo County, California, and Nye and Esmeralda counties in Nevada are presented in Table 1. Between 1990 and 1997, the population in Nye County increased by 52-percent, to a total of 27,168 persons. Population estimates compiled on behalf of the Nye County Socioeconomics Program show the total Nye County population reaching 32,269 persons by the fourth quarter of 1997, and 35,634 persons by the fourth quarter of 1998 (Planning Information Corporation 1999). Estimates prepared on behalf of the Nye County Department of Natural Resources and Federal Facilities (Planning Information Corporation 1998) show Nye County reaching a total population of 37,990 persons by the year 2000. The population in Inyo and Esmeralda counties has increased at a much slower rate, with Inyo County increasing by only 0.1-percent from 1990 to 1997, while Esmeralda County experienced a decline in population of 13.3-percent. The demographic profiles for the counties are similar in terms of the age distribution and racial composition. Inyo County's population has the highest percentage of Native Americans.

Based on 1997 population estimates, the density in Inyo County was 1.8 persons per square mile. Esmeralda County's population density was approximately 0.4 persons per square mile, and Nye County's population density was approximately 1.5 persons per square mile, as compared to an average population density of 16.1 persons per square mile for the entire State of Nevada in 1997. An estimate prepared for the Nye County Socioeconomics Program places the Nye County population at 36,065 persons during the fourth quarter of 1999, increasing population density to approximately two persons per square mile.

Southern Nevada, including portions of Nye County, has been and continues to be one of the fastest growing areas in the nation, and Nevada is the fastest growing state. Between 1950 and 1997, the growth rate averaged 4.8 percent per year. From 1990 to 1997, the annual growth rate in Nevada was 4.5 percent as compared to a 1 percent growth rate in the United States. In 1998, the U.S. Bureau of the Census identified Nye County as one of the fastest-growing counties in the United States in the category of towns with 10,000 or more persons, having experienced an increase in population of 6.1 percent from 1997 through 1998. According to Nye County sources, their population is projected to reach 51,160 by 2008, thereby experiencing a growth rate of 51.6 percent since 1998 (Planning Information Corporation 1998).

In Nye County, the community of Pahrump, located about 60 miles west of Las Vegas, contains the majority of Nye County's population estimated at approximately 26,231 persons during the first quarter



of 1999, while Tonopah, the county seat, has only about 3,369 persons during the same reporting period (Planning Information Corporation 1999).. Pahrump is becoming the focal point of economic growth in Nye County; it is serving as a retirement area and "bedroom" community for Las Vegas (Nevada Division of Water Planning 1999). In Esmeralda County, more than half of the 1997 total population resided in either Goldfield (550 persons) or Silver Peak (210 persons). From 1950 through 1997, Esmeralda County's population averaged a growth rate of 1.9 percent as compared to 5.2 percent for the entire state of Nevada.

Information on some of the key communities in the three-county region of influence is provided below.

#### Lone Pine, Independence, and Big Pine, California (Inyo County)

Lone Pine has a population of 2,062; Independence, 655; and Big Pine, 1,610. These communities are along U.S. Highway 395. Most services are available in Lone Pine, including a school with elementary through high school classes, and several markets, and restaurants. Police protection is available through the Inyo County Sheriff's Department. Available housing is limited. Ownership of water rights, which are held almost entirely by the City of Los Angeles Department of Water and Power, limits growth in the valley. Employment is provided by agriculture, wholesale and retail trade, and finance and service related jobs.

#### Bishop, California (Inyo County)

The 1990 Census reported the population of 3,475 for Bishop, which is the largest community in Inyo County. The community offers a variety of services including city parks, a recreational complex, county fairgrounds, and a variety of businesses including motels, gas stations, markets, restaurants, and medical services. There are two elementary schools, one high school, and a community college. There are several outdoor recreational areas close to the town that provide opportunities for hiking, fishing, camping and other outdoor recreational activities. Most of the employment is in retail sales, travel, dining, recreational services, other services, and local government.

#### Furnace Creek, California (Inyo County)

Furnace Creek is a small town in Death Valley National Park with a post office, elementary school, general store, gas station, airstrip, law enforcement department, and volunteer fire department. In 1996, an estimated 98 percent of the 95 full-time and 14 seasonal NPS employees resided in the Park. Also located in Furnace Creek is the Furnace Creek Ranch, a private inholding owned by AmFac Inc. Currently, AmFac has between 300 to 325 employees living at Furnace Creek, 89 to 90 living at Stovepipe Wells and 6 living at Scotty's Castle. About 50 Timbisha Shoshone tribal members live at Furnace Creek on a parcel of Park land located south of Furnace Creek Ranch.

#### Shoshone, California (Inyo County)

Shoshone has a population of 79 and is dominated by one family. Public services include a post office, gas station, general store, small cafe, motel, medical clinic, and elementary school. The San Bernardino County Sheriff, California Highway Patrol, and NPS rangers share an office in Shoshone and provide emergency services to Shoshone. Available housing is limited.

#### Pahrump, Nevada (Nye County)

Pahrump, has a population of 26,231 (Planning Information Corporation 1998). Projections provided by Nye County show the population of Pahrump reaching 40,143 persons by the year 2008 (Planning



The key public services examined in this analysis are police services, fire protection, and health care. Providers of these services in the region of influence are police and fire departments, and hospitals and clinics, as summarized below.

#### Police and Fire Protection Services

Police protection in the region of influence is provided by the law enforcement agencies identified on Table 5. They include local sheriff's offices, the Nevada Highway Patrol, and the California Highway Patrol. Table 5 lists fire protection and ambulance services in the region of influence, which are provided by the Lone Pine Fire Department and Nye County volunteer fire departments in Tonopah, Pahrump, and Beatty.

At Death Valley National Park, park rangers provide some law enforcement and fire protection services, but the Nye, Esmeralda, and Inyo counties and the California Highway Patrol (CHP) and Nevada Highway Patrol retain primary jurisdiction for any such incidents. The National Park Service has a cooperative understanding with the three counties (Nye, Esmeralda, and Inyo) regarding law enforcement and fire protection, under which they provide support to each other as necessary.

#### Health Care

Health care in the region of influence includes full-service hospitals and several medical clinics (see Table 6). These facilities provide a wide array of medical services, including physical examinations; treatment of occupational and nonoccupational illnesses; emergency, intensive, and cardiac care; coronary care; neonatal intensive care; specialists in internal medicine, optometry, facilities; infertility, obstetrics, and gynecology; inpatient and outpatient surgery; pharmaceuticals; dental care; respiratory therapy; X-ray and laboratory; and skilled-nursing and long-term care (Vallo and Associates 1994).

With regard to the Timbisha Shoshone Tribe, there is a Native American health service clinic in the town of Lone Pine. Approximately 57 percent of tribal members have no health insurance, or rely solely on the health services provided through the Indian Health Service Clinic, Medicare, Medi-Cal. Nearly 40 percent of tribal members do not receive dental care.

#### **3.4.7 Environmental Justice**

As shown in Table 1, the three counties are proportionately similar in age distribution and their racial composition is similar, the largest group being white with an age distribution between 20 to 64 years. The lowest concentration of whites is in Inyo County, at approximately 82 percent of the population, while Nye County has the highest concentration of whites at 93 percent. Native Americans represent the area's largest minority population, with the largest concentration in Inyo County at 10 percent of the total county population. The three counties are also similar in their percentage of people living in poverty, with Inyo County having the highest at 12.8 percent and Nye County having the smallest percentage at 11 percent.

In summary, the three counties are proportionate in terms of their racial, low income, and age compositions. Although the specific project actions are not yet definite, any attempt to estimate the potential for disproportionately high and adverse human health or environmental effects on specific population segments, would be speculative at this time. Given the close similarity of the population composition and other socioeconomic characteristics between the three counties, it is unlikely that any population or community would experience any project-related social or economic effects in a disproportionate manner.



### 3.5 LAND USE, RECREATION, AND WILDERNESS

This section identifies the existing conditions for land use and land use management for each of the lands proposed for transfer, acquisition and transfer, and cooperative activities/special uses. Information provided in this section was gathered during site visits, and from a review of background documents contributed by the National Park Service, Bureau of Land Management, United States Fish and Wildlife Service, and Timbisha Shoshone Tribe.

#### 3.5.1 Regional Setting

Regional land use designations relevant to the proposed sites and their respective surroundings may be summarized as follows (1) wilderness, (2) military presence, and (3) nonfederal land ownership. Nonfederal land is composed of (a) state lands, (b) mining and mineral interests, (c) private lands, (d) grazing, and (e) recreation. See Map 10 for regional land use features.

**Wilderness.** On October 31, 1994, Congress designated approximately 3,158,033 acres (95 percent) of Death Valley National Park as wilderness.

**Military Presence.** The region surrounding the proposed sites includes a strong military presence. China Lake Naval Air Weapons Station is located in the Mojave Desert, west of Death Valley National Park; Nellis Air Force Range is located northeast of the Park; and Fort Irwin Military Reservation is south of the Park. Map 10 provides an overview of the military presence surrounding the proposed sites.

**Nonfederal Land Ownership.** There are approximately 53,990 acres of nonfederal lands within the boundaries of Death Valley National Park. Of the nonfederal land, 41,340 acres are owned by the State of California and 12,650 acres are owned by private parties.

**State Lands.** The Statehood Act of 1850 granted to the State of California all unappropriated and surveyed land in sections 16 and 36 in Death Valley, including those in the area later included in the Park. In 1998, 12,872 acres of state land were acquired by exchanges. Eighty-two parcels of various sizes remained in the hands of the state as of June 1998, totaling 41,340 acres.

**Mining and Mineral Interests.** About 90 percent of private lands in Death Valley are patented mining claims. There are 186 patented mining claims or land parcels with reserved mineral rights totalling 12,270 acres. There are approximately 338 unpatented mining claims within the Park totaling an estimated 5,840 acres. Many of these claims have had historic mining activity. The number of unpatented mining claims fluctuates as owners stop filing required annual notices or stop paying annual maintenance fees, which are due by August 31 each year to retain an ownership interest in the claim.

**Private Lands.** Private lands exist within the region surrounding the lands considered in this LEIS. In the Furnace Creek area, AmFac Inc. owns the Furnace Creek Inn and Furnace Creek Ranch resorts totalling 340 acres. Also, several private lands, with grazing or mining interests are located in Amargosa Valley, Saline Valley, Panamint Springs, Argus Range, Jackass Flat, Funeral Mountains, and Goler Canyon.

**Grazing.** Grazing began in the late 1800s and was first regulated in 1935 with the establishment of the Mojave Grazing District under the Taylor Grazing Act of 1934. Since the passage of that law, grazing management has been administered by BLM. The public rangelands established under the Taylor Grazing Act include all unfenced lands, public and private, within allotment boundaries.

In the early 1900s, ranches, farms, and homesteads were prevalent in areas throughout the Mojave Desert. Dry farming was practiced in these areas, which at times led to water rights conflicts.



### 3.7.2.2.3 Tribal Cooperative Activity/Special Use Areas

#### Eagle Mountain and Warm Sulphur Springs

For a detailed listing of potentially occurring species in the Eagle Mountain and Warm Sulphur Springs areas, see Sections 3.7.2.2.1, "Land Transfers in Trust" and 3.7.2.3.1, "Tribal Cooperative Activity Area, Ash Meadows National Wildlife Refuge."

#### Lida Tribal Use Area

For a detailed listing of wildlife species occurring in the Lida area, see Sections 3.7.2.2.1, "Land Transfers in Trust, Lida Community Parcel" and 3.7.2.2.2, "Proposed Authorization of Private Land Acquisition, Lida Ranch."

### 3.7.2.3 U.S. Fish and Wildlife Service

#### 3.7.2.3.1 Tribal Cooperative Activity Area

#### Ash Meadows National Wildlife Refuge

The Ash Meadows National Wildlife Refuge is in the Ash Meadows portion of the Amargosa Desert and includes about 22,117 acres of spring-fed wetlands and alkaline desert uplands. The refuge provides habitat for a biotic association found nowhere else in the world. This concentration of unique native plants and animals distinguishes Ash Meadows National Wildlife Refuge as having a greater concentration of endemic species than any other local area in the United States.

#### **Species Addressed in the Ash Meadows Recovery Plan**

Published by USFWS in 1990, the *Recovery Plan for the Endangered and Threatened Species of Ash Meadows, Nevada*, addressed recovery efforts for the following federally listed species located at Ash Meadows, Nevada, and on NPS- and BLM-managed areas within adjacent lands in California.

#### Devil's Hole pupfish

The Devil's Hole pupfish (*Cyprinodon diabolis*) is listed as endangered by the federal government and the State of Nevada. A limestone cave at Devil's Hole, for which the pupfish is named, is the only natural habitat of the Devils Hole pupfish. Devil's Hole is a small tract of land administered by Death Valley National Park located inside of a larger spring complex in Nevada called the Ash Meadows. Devils Hole falls within the boundaries of Ash Meadows National Wildlife Refuge. The Devil's Hole cave's water level is determined by the aquifer and has no surface outlet. Historical and ongoing mining of groundwater in Ash Meadows has occasionally directly lowered the water level in the Devil's Hole cave, exposing a shallow limestone shelf on which the pupfish depend for food and spawning (Soltz and Naiman 1978).

A decline of the Devil's Hole pupfish population drove litigation resulting in a U.S. Supreme Court ruling upholding the maintenance of a minimum water level at the cave. From 1980 until 1990, the population status was upward but persistently small and localized. The species is considered not delistable; the criteria for its protection are the maintenance of water levels and water chemistry. Other species of special consideration located at the limestone cave or at springs within the 40 acres are the Devil's Hole warm springs riffle beetle (*Stenelmis c. calida*), and the Amargosa tryonia snail (*Tryonia variegata*). Water levels are currently monitored by NPS. The combined records from water level monitoring by the



National Park Service and the U.S. Geological Survey dating from the 1960s demonstrated a maximum level of recovery in 1989; thereafter, a downward trend has persisted.

#### Other Ash Meadows Endemic Species

Other species endemic to the Ash Meadows area include the Warm Springs pupfish (*Cyprinodon nevadensis pectoralis*), Ash Meadows Amargosa pupfish (*Cyprinodon nevadensis mionectes*), Ash Meadows speckled dace (*Rhinichthys osculus nevadensis*), and Ash Meadows naucorid (*Ambrysus amargosus*). Amargosa pupfish and speckled dace range into California at locations along the Amargosa drainage and at various parcel supporting stream, spring, salt marsh, moist alkaline soil, calcareous, or riparian habitats. Additional species of concern in the area include the Ash Meadows montane vole (*Microtus montanus nevadensis*), white-faced ibis (*Plegadis chihi*), Amargosa naucorid bug (*Pelocoris shoshone amargosus*), and a host of spring snails (including Amargosa tryonia).

Regional water drawdown has been a contributing factor for listed and other sensitive species and potential benefits of regional monitoring and conservation. A decline of the listed species at Ash Meadows has been attributed not only to groundwater removal, but also the presence of exotic species and habitat alteration.

Although the 1988 *General Management Plan and Environmental Assessment*: Death Valley National Monument report requested the management of Devil's Hole be transferred to the U.S. Fish and Wildlife Service, this plan and the 1990 recovery plan recommend that the National Park Service retain legal responsibility for the 40 acres under its jurisdiction.

#### Riparian-Dependent Bird Species

Riparian-dependent bird species cited in the 1990 recovery plan include the southwestern willow flycatcher (*Empidonax traillii extimus*), least Bells vireo (*Vireo bellii pusillus*), and California/western yellow-billed cuckoo (*Coccyzus americanus occidentalis*).

Mesic habitats in the planning area are not noted for high numbers of the above named riparian-dependent species (relative to their known ranges), but such habitats in the plan area do provide a degree of essential foraging and nesting habitat. To date, other than along the Colorado River, the study of the vireo and flycatcher in the desert have been concentrated along the Mojave River. Small numbers of all three species have been confirmed along the Amargosa River and in Death Valley.

In May 1986, least Bell's vireo was federally listed as endangered. Its critical habitat was designated in February 1994. Endangered status took effect for the willow flycatcher in March 1995, and a final determination of critical habitat was made in July 1997. Listing of the willow flycatcher by the State of California is at the species level. Federal recovery planning is underway for both species. There is no critical habitat located within Death Valley National Park for either subspecies.

The western yellow-billed cuckoo, state endangered since 1988, generally requires a broader stand of riparian growth than either the vireo or flycatcher, although loss of riparian habitat is the major common factor influencing the decline of all three species. The cuckoo does not appear to be affected by brood parasitism by the brown-headed cowbird (*Molothrus ater*) as are the least Bell's vireo and southwestern willow flycatcher. In this brood parasitism behavior, cowbirds introduce their eggs into the nest and care of a host bird species, competing directly with the success of the host's young and sometimes eating or ejecting the host's eggs. (Thelander 1994).



### Furnace Creek

The Preferred Alternative would allow for the development of a planned Community Development Parcel on 314 acres adjacent to Furnace Creek Ranch. These lands are historically significant to the Tribe. The Community Development Parcel would become a tribal gathering place and a center for tribal business and operations. Economic development including a museum, gift shop, and lodging would bring economic benefit to the Tribe. The demand for additional lodging in the Furnace Creek area is undetermined but it is anticipated that additional lodging in the Park would be economically viable.

Additional commercial development in the Park would incrementally increase the demand for public services and supplies, police and fire services, and infrastructure requirements (telephone, electrical power, water supply, and wastewater treatment and disposal).

### Indian Rancheria

Implementation of the Preferred Alternative would appropriate funds for acquisition for two parcels of land. These parcels were historically occupied by tribal families until the 1920s. The acquisition of these parcels would add to the Tribe's land base and have the social benefit of returning to the Tribe land to which they have a strong association. Limited economic activities are anticipated at the Rancheria parcels.

### Death Valley Junction

Limited residential and commercial development could occur on this parcel. Residential uses would generate an incremental local increase in demand for public services and supplies. Commercial uses of the parcel could generate revenue for the Tribe and provide opportunities for employment and enhanced revenue. Economic ventures in the form of lodging or a retail convenience or gift store would generate income for the Tribe, some of which would return to the local community by consumptive purchasing.

Additional commercial and residential development at Death Valley Junction would incrementally increase the demand for public services and supplies; police, fire and medical services; and infrastructure requirements (telephone, electrical power, water supply, and wastewater treatment and disposal).

### Centennial

Under the Preferred Alternative, the Centennial Parcel could be used for residential and small-scale commercial economic activities. The distance of this parcel from State Route 190 would make economic development difficult and carry some risk, if it were to be focused on travelers.

Residential uses at this location would generate a negligible demand for public services and supplies; police, fire, and emergency medical services; and water supply.

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### Scotty's Junction

Under the Preferred Alternative, residential and commercial development would occur at this parcel. The land on Sarcobatus Flat is part of the Tribe's history, and this area could serve as a primary community for much of the tribal population. This parcel has frontage along State Route 267 and U.S. Highway 95, making it suitable for a variety of economic activities. Several residences and a small market are located on adjacent lands.

Additional commercial and residential development at Scotty's Junction would incrementally increase the demand for public services and supplies; police, fire, and medical services; and infrastructure



requirements (telephone, electrical power, water supply, and wastewater treatment and disposal) in the local area.

#### Lida Community Parcel and Lida Ranch

Limited residential and small-scale economic development would occur on the Lida Community Parcel. Lida Ranch would be expected to continue ranching operations similar to current activities on the parcel. These parcels are adjacent to the proposed area for cooperative activities/special uses at Lida Summit. In the event that the parcels at Lida Ranch are purchased at a future date, any future development would be subject to an appropriate level of environmental review.

Additional commercial and residential development at the Lida Community Parcel would incrementally increase the demand for public services and supplies; police, fire, and medical services; and infrastructure requirements (telephone, electrical power, and water supply) in the local area.

#### Cooperative Activities/Special Use Areas

Cooperative activities would help achieve tribal cohesion by allowing access to areas constituting major elements of Timbisha Shoshone history and tribal practice. Ceremonial activities, food and medicinal plant gathering, and participation in the management of NPS and BLM resources will serve to unite the Tribe and incorporate the tribal perspective into visitor experiences at Death Valley National Park.

#### **Conclusion**

A major reason for the proposed legislation is to achieve social and economic benefits for the Tribe as described in the *Secretarial Report*. These would benefit the Tribe, and for revenue-generating activities, would benefit communities, counties, and businesses in the region through consumptive purchases. There would be a minor negative economic effect from the loss of annual revenues from lands transferred from BLM. Allocation of limited water resources to the Tribe may limit development in other areas, by making water unavailable for allocation.

#### **Cumulative Impacts**

Cumulative effects on the socioeconomic environment are difficult to predict. Development and economic activity tends to be spread over large distances in the Mojave Desert. The United States government is a major landholder. The availability of water and limitations on the potential for economic development on federal lands is part of the existing environment, and expected to continue. The land transfers, acquisition and transfers, and cooperative activities/special uses described in this proposal would not be expected to contribute substantially to cumulative future socioeconomic conditions.

#### **4.4.2 No-Action Alternative**

Under the No-Action Alternative, land transfers, attendant development, and demand for goods and services would not occur. Transfer- or cooperative activities/special use-related effects to the socioeconomic environment would not occur.

#### **Conclusion**

Under the No-Action Alternative, social and economic benefits to the Tribe would not occur and the major objective of the *Secretarial Report* would not be met. The Tribe would continue without a land base, with very few opportunities for economic gains or tribal self-determination.



**Table 9.**  
**Observed Common Plant Species**  
**Timbisha Shoshone Homeland**  
**Draft LEIS**

DIVISION		Common name	Furnace Creek	Death Valley Junction	Scotty's Junction	Centennial	Lida
Class	Family						
Genus species							
CONIFEROPHYTA		CONIFERS					
Cupressaceae	Cypress Family	Utah juniper				X	X
Juniperus osteosperma							
GNETOPHYTA		Mormon Tea Family					
Ephedraceae	Nevada ephedra	green ephedra				X	X
Ephedra nevadensis						X	X
Ephedra viridis							
Pinaceae	Pine Family	pinion pine					X
Pinus monophylla							
ANTHOPHYTA		FLOWERING PLANTS					
Dicotyledonae		DICOTS					
Amaranthaceae	Amaranth Family	honeysweet	X				
Tidestromia oblongifolia							
Asteraceae	Sunflower Family	burro-weed	X				
Ambrosia dumosa	chaff-bush			X			
Amphipappus fremontii	big sagebrush					X	
Artemisia t. tridentata	mountain sagebrush						X
Artemisia tridentata vaseyana							X
Atrichoseris platyphylla	gravel ghost		X				



**Table 9.**  
**Observed Common Plant Species**  
**Timbisha Shoshone Homeland**  
**Draft LEIS**

DIVISION Class Family Genus species	Common name	Furnace Creek					Death Valley Junction	Scotty's Junction	Centennial	Lida
<i>Bebbia juncea</i>	sweet bush							X	X	X
<i>Chaenactis d. douglasii</i>	dusty maidens						X			
<i>Chrysothamnus paniculatus</i>	black-stem							X		X
<i>Chrysothamnus tereifolius</i>	terete-leaved rubberbrush							X	X	X
<i>Chrysothamnus v. viscidiflorus</i>	yellow rabbitbrush							X	X	X
<i>Chrysothamnus nauseosus</i> <i>consimilis</i>	rubber rabbitbrush							X	X	X
<i>Cirsium neomexicanum</i>	thistle									X
<i>Encelia farinosa</i>	brittle brush								X	
<i>Geraea canescens</i>	desert sunflower			X						
<i>Gutierrezia sarothrae</i>	broom snakeweed							X	X	X
<i>Hymenoclea salsola</i>	burrobrush							X	X	
<i>Pluchea sericea</i>	arrowweed			X						
<i>Psathyrotes annua</i>	little turtleback			X				X	X	
<i>Psathyrotes ramosissima</i>	turtleback			X						
<i>Tetradymia canescens</i>	gray horsebrush			X						X
<b>Brassicaceae</b>	<b>Mustard Family</b>									
<i>Caulanthus crassicaulis</i>	thick-stem wild cabbage									X
<i>Descurainia</i> sp.	tansy mustard						X			
<i>Lepidium fremontii</i>	desert alyssum							X	X	X
<i>Stanleya elata</i>	Panamint prince's plume								X	
<i>Stanleya pinnata</i>	desert prince's plume							X		X

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**Table 11.**  
**Wildlife Species Observed or Expected to Occur On**  
**Lands Proposed for Transfer, Acquisition and Transfer, and**  
**Cooperative Activities/Special Uses**  
**Timbisha Shoshone Homeland**  
**Draft LEIS**

Scientific name <sup>1</sup>	Common name	DVJ	IR	FC	SJ	LR	LS	C
<i>Euderma maculatum</i>	spotted bat	NE	NE	NE	NE	E	NE	P
<b>MOLOSSIDAE - Free-tailed bats</b>								
<i>Tadarida brasiliensis</i>	Brazilian free-tailed bat	P	P	P	P	P	P	P
<b>BIRDS</b>								
<b>CATHARTIDAE - American Vultures</b>								
<i>Cathartes aura</i>	turkey vulture	E	E	O	E	E	E	E
<b>ACCIPITRIDAE - Hawks</b>								
<i>Accipiter cooperii</i>	Coopers hawk	E	E	E	E	E	E	E
<i>Accipiter gentilis</i>	northern goshawk	E	E	E	E	E	E	E
<i>Accipiter striatus</i>	sharp-shinned hawk	E	E	E	E	E	E	E
<i>Aquila chrysaetos</i>	golden eagle	E	E	E	E	E	E	E
<i>Buteo jamaicensis</i>	red-tailed hawk	O	O	O	O	O	O	O
<i>Buteo lagopus</i>	rough-legged hawk	E	E	E	E	E	E	E
<i>Buteo lineatus</i>	red-shouldered hawk	E	E	E	E	E	E	E
<i>Buteo regalis</i>	ferruginous hawk	E	E	E	E	E	E	E
<i>Buteo swainsoni</i>	Swainson's hawk	E	E	E	E	E	E	E
<i>Circus cyaneus</i>	northern harrier	O	E	E	E	E	E	E
<i>Haliaeetus leucocephalus</i>	bald eagle	NE	NE	NE	NE	NE	NE	NE
<i>Pandion haliaetus</i>	osprey	NE	NE	NE	NE	NE	NE	NE
<b>FALCONIDAE - Falcons</b>								
<i>Falco mexicanus</i>	prairie falcon	E	E	E	E	E	E	E
<i>Falco peregrinus</i>	peregrine falcon	NE	NE	E	E	E	E	E
<i>Falco peregrinus anatum</i>	American peregrine falcon	NE	NE	NE	NE	E	E	E
<i>Falco sparverius</i>	American kestrel	E	E	E	E	E	E	E
<i>Callipepla californica</i>	California quail	E	E	E	E	E	E	E
<i>Callipepla gambelii</i>	Gambel's quail	E	E	E	E	E	E	E
<i>Centrocercus urophasianus</i>	sage grouse	E	E	E	E	E	E	E
<i>Oreortyx pictus</i>	mountain quail	E	E	E	E	E	E	E
<b>COLUMBIDAE - Doves</b>								
<i>Zenaida asiatica</i>	white-winged dove	E	E	E	E	E	E	E
<i>Zenaida macroura</i>	mourning dove	O	E	O	E	O	E	E
<b>CUCULIDAE - Cuckoos</b>								
<i>Coccyzus americanus occidentalis</i>	western yellow-billed cuckoo	NE	NE	E	NE	E	E	NE
<i>Geococcyx californianus</i>	greater roadrunner	E	P	O	P	E	NE	E
<b>TYTONIDAE - Barn Owls</b>								



**Table 11.**  
**Wildlife Species Observed or Expected to Occur On**  
**Lands Proposed for Transfer, Acquisition and Transfer, and**  
**Cooperative Activities/Special Uses**  
**Timbisha Shoshone Homeland**  
**Draft LEIS**

Scientific name <sup>1</sup>	Common name	DVJ	IR	FC	SJ	LR	LS	C
<i>Tyto alba</i>	barn owl	E	E	E	E	E	E	E
<b>STRIGIDAE - Typical Owls</b>								
<i>Aegolius acadicus</i>	saw-whet owl	E	E	E	E	E	E	E
<i>Asio otus</i>	long-eared owl	E	E	E	E	E	E	E
<i>Glaucidium gnoma</i>	northern pygmy owl	E	E	E	E	E	E	E
<b>STRIGIDAE - cont.</b>								
<i>Bubo virginianus</i>	great horned owl	E	E	E	E	E	E	E
<i>Micrathene whitneyi</i>	elf owl	NE	NE	NE	NE	NE	NE	NE
<i>Otus flammeolus</i>	flamulated owl	E	E	E	E	E	E	E
<i>Otus kennicottii</i>	western screech owl	E	E	E	E	E	E	E
<i>Speotyto [=Athene]cunicularia hypugea</i>	western burrowing owl	E	E	E	E	E	E	O
<b>PICIDAE - Woodpeckers</b>								
<i>Melanerpes uropygialis</i>	gila woodpecker	E	E	E	E	E	E	E
<i>Melanerpes lewis</i>	Lewis' woodpecker	E	E	E	E	E	E	E
<i>Picoides pubescens</i>	downy woodpecker	E	E	E	E	E	E	E
<i>Picoides scalaris</i>	ladder-backed woodpecker	E	E	E	E	E	E	E
<i>Picoides villosus</i>	hairy woodpecker	E	E	E	E	E	E	E
<i>Sphyrapicus nuchalis</i>	red-naped sapsucker	E	E	E	E	E	E	E
<i>Sphyrapicus ruber</i>	red-breasted sapsucker	E	E	E	E	E	E	E
<i>Sphyrapicus thyroideus</i>	Williamson's sapsucker	E	E	E	E	E	E	E
<b>PLOVERS</b>								
<i>Charadrius alexandrinus nivosus</i>	western snowy plover	NE	E	NE	NE	NE	NE	NE
<b>TYRANNIDAE - Tyrant Flycatchers</b>								
<i>Empidonax difficilis</i>	Pacific-slope flycatcher	E	E	E	E	E	E	E
<i>Empidonax traillii</i>	willow flycatcher	NE	NE	E	NE	E	E	E
<i>Lanius ludovicianus</i>	loggerhead shrike	O	E	E	O	E	E	E
<i>Myiarchus cinerascens</i>	ash-throated flycatcher	E	E	E	E	E	E	E
<i>Myiarchus tyrannulus</i>	brown-breasted flycatcher	E	NE	E	E	E	E	E
<i>Phainopepla nitens</i>	phainopepla	E	E	E	E	E	E	E
<i>Sayornis nigricans</i>	black phoebe	E	E	E	E	E	E	E
<i>Sayornis saya</i>	Say's phoebe	E	E	E	E	E	E	E
<i>Tyrannus verticalis</i>	western kingbird	E	E	E	E	E	E	E
<b>HIRUNDINIDAE - Swallows</b>								
<i>Hirundo pyrrhonota</i>	cliff swallow	E	E	E	E	E	E	E
<i>Hirundo rustica</i>	barn swallow	E	E	E	E	E	E	E
<i>Stelgidopteryx serripennis</i>	rough-winged swallow	E	E	E	E	E	E	E
<i>Tachycineta bicolor</i>	tree swallow	E	E	E	E	E	E	E
<i>Tachycineta thalassina</i>	violet-green swallow	E	E	E	E	E	E	E
<b>CORVIDAE - Crows, Jays</b>								
<i>Aphelocoma coerulescens</i>	western scrub jay	E	E	E	E	E	E	E



LEIS-205

The Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley, CA 92328

RE: Desert Survivors comments on the "Draft Legislative Environmental Impact Statement on a Timbisha Shoshone Tribal Homeland, April 2000" [L14(PWRO-RD)]

Superintendent, Death Valley National Park:

August 12, 2000

Desert Survivors is a non-profit desert conservation organization based in Oakland, California. Desert Survivors has an interest in the lands governed by the National Park Service in Death Valley National Park and in lands governed by the Bureau of Land Management and the U.S. Fish and Wildlife Service. Desert Survivors leads educational and recreational excursions in Death Valley National Park, and on Bureau of Land Management and the U.S. Fish and Wildlife Service lands, as part of its responsibility as a California public benefit, non-profit corporation. Desert Survivors members have performed service trips in Death Valley National Park in conjunction with Park botanists and wildlife managers. Desert Survivors has an interest in seeing Death Valley NP, BLM and USFWS lands, both Wilderness and non-Wilderness, continue in a natural and pristine condition. Desert Survivors has 850 members.

Desert Survivors applauds the efforts of the Department of the Interior to provide to the Timbisha Tribe an ancestral homeland. Such efforts are long overdue. Our Board of Directors voted to support the study of lands both inside and outside Death Valley National Park boundaries for consideration of a homeland for the tribe at a Desert Survivors Board of Directors meeting on July 24, 1996. Nevertheless, we feel that the Draft Legislative Environmental Impact Statement is inadequate and is not sufficient to enable Congress or the public to make an informed decision about the transfer or management of lands for this purpose.

An explanation of our concerns about the Draft EIS and the legislative proposal follows.

1. **Inadequacy of the Draft EIS:** Desert Survivors has studied the "Draft Legislative Environmental Impact Statement on a Timbisha Shoshone Tribal Homeland, April 2000". We have found the document to be grossly inadequate. Though it purports to be an exposition of the impacts that will result from the actions proposed (the transfer of lands and the bestowing of "special uses" and "cooperative management"), in many places the document states that "potential uses or development subject to future cooperative agreements" will not be analyzed. If the actual environmental impacts to the land are not being analyzed, this is not an environmental impact statement! The information in this Draft EIS is not adequate to allow a decision to be made about either the transfer of land or the bestowing of special uses and cooperative agreements.

E1H-01

In order to adequately assess impacts on the land in question, specific proposals must be analyzed. For example, exactly how much land is intended to be disturbed by construction at Furnace Creek? How much water will be drawn down for the specific uses proposed? Where is the design for construction, where are the architectural drawings, where will the sewage treatment plant be built, what will be the impacts on tourists visiting the area — with respect to noise, visual impact, traffic? All of these are legitimate subjects of study when contemplating development. Unless these specific concerns are analyzed, it is impossible for anyone — agencies, legislators, the general public — to assess the impact of doing a land transfer.

E1H-02



The same may be said for "cooperative use agreements". What will be the impact on the land at Mesquite Springs or Saline Valley Hot Springs or Hunter Mountain? What specific land uses are proposed? There must be a reason that the tribe places a value on these lands. What is there to co-operate? Desert Survivors demands to see specific proposals for these lands, before agreeing to co-management. If the tribe does not have specific proposals for the management of these lands, then the tribe will be a poor co-manager. This is a National Park. The U.S. public is entitled to know what management schemes are proposed, so we can pass judgement on whether or not such proposals make any sense. We want to analyze the impacts of proposals BEFORE we agree to them.

E1B-03

For example, the Draft EIS states (p. 33), "Fowler and others (1995b) did not identify any cultural resources in the vicinity of Eagle Mountain, the importance of this area to the Timbisha Shoshone is relatively unclear...". Yet Eagle Mountain is proposed as a "Tribal Cooperative Activity Area/Special Use Area". No specific activity is defined for Eagle Mountain, part of the BLM's Resting Springs Wilderness, and no one seems to know why this mountain is even in the Draft EIS!

**2. Protection of Wilderness:** Desert Survivors applauds the efforts of the Department of the Interior to provide to the Timbisha Tribe an ancestral homeland. Such efforts are long overdue. But these well-meaning efforts should not overshadow or interfere with the National Park Service' primary responsibility in managing this National Park, which is to preserve the land in a natural condition for the edification and the appreciation of the nation and the world. This includes the maintenance of legislatively-designated Wilderness lands in accordance with the provisions of the Wilderness Act.

Nowhere in the entire Draft EIS is there an acknowledgment of the 1964 Wilderness Act and its provisions. In the glossary on pages 118-119, under "W", there is a definition of the term "Wilderness Study Area", but no definition of the concept, "Wilderness", to which it refers. Yet, most of the areas proposed for "cooperative agreements" in the National Park and many of them under BLM management are located in statutory Wilderness set aside by Congress. The Draft EIS does not acknowledge this, it does not describe Wilderness, and it does not proscribe the particular management practices of these lands that are mandated by the Wilderness Act and the California Desert Protection Act. The EIS MUST delineate specific practices that are to be followed in the management of the Wilderness Areas and Wilderness Study Areas. Leaving these practices to be discussed in some vague "cooperative management agreement" is not enough.

E1H-04

The Wilderness Act must remain in effect on all Wilderness lands within BLM and Death Valley National Park jurisdiction. Access to and use of Wilderness by tribal members should be curtailed in the same manner as applied to any citizen or user. This includes the use of machinery and mechanical devices, which should be strictly controlled.

**3. Tribal Use Areas:** There cannot be "cooperative management" of Wilderness Areas with the tribes, since both tribal and Park Service activities in Wilderness and Wilderness Study Areas are already circumscribed by the Wilderness Act and the California Desert Protection Act. Even in non-Wilderness, the public needs to see the tribe's specific proposals for management before agreeing to give up power over Park and BLM lands. If the tribe cannot state specific proposals, then there should be no agreement to give the tribe governance over lands. The Draft EIS should be re-written, elucidating clear proposals proposed by the tribe. Only then can we evaluate any "cooperative agreements" or "cooperative management areas".

M1-05



Manipulation of the environment by the tribe in any "cultural preservation zone" or "special use area" or "cooperative management area" should be strictly controlled. The NPS has led the way in preserving natural ecosystems and natural evolutionary processes on public lands, and NPS policies that foster this preservation should be retained in Death Valley National Park. Natural processes must be allowed to function here as a contrast to the rest of our over-manipulated, over-cultivated, hyper-industrial world. Any agreement with the Timbisha must be written with safeguards preventing such manipulation. There are many places within easy reach of tribal members where such manipulations may be negotiated with land managers outside Park boundaries.

E1H-06

The Draft EIS mentions tribal historic uses of Park lands in many places in the text, yet does not specifically state that the tribe is proposing to reinstate or continue such activities. On page 28, the Draft EIS states that "dune grass seeds were gathered from both Eureka and Saline Valleys". Is it proposed that this "historic use" be reinstated? The dune grasses in both places are precious resources. The park is proposing to move the Eureka Dunes camping complex so as to protect endangered plants. Dune grasses in Saline Valley are essential to keep the dunes stable and to maintain habitat for kangaroo rats and other animals. If the tribe is proposing to make grass seeds an important part of the tribal diet, the public should be able to read this in the Draft EIS so the public can pass judgement on the wisdom of such a practice.

E1H-07

Similarly, the Draft EIS mentions in several places that the hunting of bighorn sheep was an important cultural practice. Yet there is no formal proposal to allow hunting of bighorn or other animals in the National Park. If this is to be left for the future as a subject of a "cooperative agreement"? The tribe is allowed to hunt bighorn sheep on lands in California that have been determined by the State Department of Fish and Game to have a surplus population of these animals that will not be substantially harmed. The sheep that remain have been deemed to be too precious to allow an open season. Is this process of game management proposed to be circumvented and ignored by the tribe's "special use/cooperative management areas"? If so, the public needs to see the tribe's hunting proposals specifically stated.

HT-08

**4. The Purpose of National Park and BLM lands:** It is important that Park visitors be encouraged to learn about and appreciate Native-American methods of survival and sustenance, and of traditional cultural ways associated with them. Such educational efforts may and should be promoted both inside and outside of the Park and on BLM lands. Desert Survivors contends, however, that these efforts should not dictate land use on a broad scale within Park or BLM boundaries.

There should be no language in the legislative proposal that alters the purpose of Death Valley National Park or of the national parks in general. Interpretation of Native-American cultural practices and even a demonstration of how tribal life once was carried on are legitimate educational purposes of the parks as currently constituted. However, the furtherance of Indian ways or practices as a central purpose of the Park should not be placed above or supercede this educational function. Nor should they interfere with the many other goals and practices the NPS has developed in its historic mission. Death Valley National Park should remain what it is: a National Park for all the people. The furtherance of Indian practices should not be the central purpose of BLM lands either.

E1H-09



5. **Hunting and Gathering:** Hunting of animals should not be allowed on Park lands, by tribal members or the non-tribe public. Gathering of pine nuts or other natural elements should not be allowed either. There are many places on surrounding BLM land where such practices may be pursued by tribal members, even without the existing proposal. Death Valley National Park is DESERT land — by definition fragile and easily altered with long-term effects. This basic character of the land, and its extremely low biomass and meager wildlife populations, make Death Valley National Park the worst possible place to experiment with co-management for the purposes of tribal subsistence.

HT-10

E1B-11

6. **Tribal Economic Development:** Desert Survivors supports tribal development restricted to lands already developed as human habitation and activity centers. According to this principle, Death Valley Junction, Wildrose and Amargosa Valley would be ideal places for the Tribe to develop administrative, commercial, residential, and interpretive facilities. The Draft document refers in many places to the tribe's former existence on the land, to activities such as pinyon nuts and mesquite bean collection and the hunting of rabbits and bighorn sheep. However, this focus is limiting to the tribe, and a more realistic approach should be taken toward the tribe's economic future. It should be accepted that tribal members are part of the urban/suburban community, and that they need to have a life-support system that will sustain them. The best lands for that purpose are those listed above.

E1H-12

Urban expansion should not be pursued in places that are not already developed. Such locations mentioned in the Draft EIS include Centennial Flat, Mesquite Spring, the Daylight Pass area, Hunter Mountain and Saline Valley. All of these places have carefully circumscribed habitation and use levels right now. Creating tribal facilities and habitation sites there would alter their character and bring them into the urban scene we are familiar with at Furnace Creek. Park visitors deserve the opportunity to retain places such as these and to enjoy their character as it currently is. Centennial Flat and Hunter Mountain, especially, provide critical water sources for wildlife. Human habitation at these places would diminish wildlife and also the experience of high wildlife values for all Park and BLM public land users who decide to visit these areas.

E1H-13

7. **Riparian Areas:** Riparian areas in the desert are too precious to give over to unspecified "cooperative management" or "special use". The Saline Valley Hot Springs complex, a communal area of long standing where visitorship has been open to any who cooperate with even minimal civil practices, should not be reserved for the special use of the tribe. The uppermost spring is a haven for wildlife of long standing, and should remain as such. Despite tribal members' unwillingness to visit the springs in the presence of others, it should be noted that they have not been prevented from doing so by physical force or intimidation. For more than forty years, no individual has exercised personal control of this public facility.

SV-14

Ash Meadows, the Warm Sulphur Spring and Furnace Creek springs should be managed as riparian areas vital to wildlife, not as tribal "special use areas" with unspecified management objectives. More than thirty years of special effort have gone into preserving the fish at Ash Meadows. What is the tribe proposing? Once again, there should be no "special use areas" without the tribe specifying its "special uses". These uses should be delineated in the Draft LEIS. The tribe should not be allowed any open-ended management prerogatives.

E1B-15

E1B-16



8. **Land Transfers outside Death Valley Park:** Left out of the proposal was any consideration of land transfers to the tribe from other traditional homeland areas more suitable for tribal development than Death Valley National Park. The Beatty town site will provide many development opportunities for tribal members. The many abandoned private properties in town could be purchased inexpensively by the Department of Interior and conveyed to tribal members or to the tribal council. Returns on investment for the tribe would be high in this commercial center, and tribal members moving in would significantly reduce the ramshackle buildings and urban blight that currently plague this once-thriving community. Local Beatty residents would benefit greatly from tribal development in the town.

Also viable would be a transfer of the rich agricultural lands in Amargosa Valley. This valley with its attendant springs and groundwater was an important habitation center for the tribe. These tribal homelands should be restored to the tribe.

E1B-17

Another ancestral homeland not even mentioned in the Proposal is the current site of the China Lake Naval Weapons Center. This huge parcel of land was important to the tribe. The NWS' closure was considered in the last round of base closures. It is a redundant military base land that should be restored to the public domain. The base should be shut down and its land returned to the tribe as a tribal reservation. The tribe will benefit from the many public buildings already constructed on this land, and taxpayers would benefit from the removal of a major financial burden — the base's portion of our largely non-productive and redundant military budget.

Desert Survivors would like to see consideration of these three tribal homelands added to the proposal and examined in the LEIS. We proposed these possibilities in our comments in the original scoping, but our proposals were ignored.

In addition, the proposal to purchase the privately-held Furnace Creek properties in the Park and hold them in trust for the tribe as a homeland was not even considered in the Draft LEIS, despite the exposition of this as an alternative in scoping comments by others. The purchase and holding in trust of Furnace Creek Ranch and its developed area should added as a possible alternative in the re-written LEIS.

The benefit of transferring already-developed lands to the tribe saves both time and land. These parcels are already built up, and the tribe would be able to begin reaping the benefits of economic development immediately without expensive new construction. The transfer of already-developed parcels will prevent land-scarring construction in the National Park and adjacent pristine BLM lands. The public has no interest in seeing more construction of buildings or facilities in Death Valley National Park or on adjacent BLM lands. The public visits the Park and BLM lands because they are UNDEVELOPED.

E1H-18

9. **Water rights:** More attention should be given in the Draft LEIS to the effect this proposal will have on water resources in the National Park and the surrounding area. There is no discussion of the various water rights of parties in the Furnace Creek area and how water allocation there will be impacted. The NPS currently sells water to Amfac Corporation to service Furnace Creek Ranch and its golf course. The Draft LEIS does not consider this allocation in relation to the tribe's and how total water use in the public areas of the Park would be impacted. The existing impacts of the Amfac Corporation must be examined in conjunction with those proposed by the tribe.

W2-19



The impacts of the proposed allocation of water to the tribe at Scotty's Junction must also be addressed. Many springs and water sources may be impacted by development in that location. Without an analysis of specific development proposals, it would be irresponsible for Congress to agree to specific allocations of water or indeed a transfer of land that would be dependent upon such allocations.

10. What is meant by a "tribal homeland"? Nowhere in the Draft LEIS is there a discussion of the relative benefits to the tribe and the rest of the U.S. of tribal reservations versus the "rancheria" system referred to in the document. All too often, "rancherias" provide little in the way of resources or protection for Native Americans. Before land transfers and management changes are considered, there should be a thorough analysis of these topics and how different arrangements of lands may be organized into "tribal homelands". E1H-20

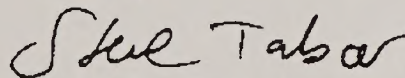
11. Desert Survivors supports the No Action Alternative: Because of the inadequacy of the Draft LEIS with regard to specifics, and the absence of a description of specific impacts to NPS, BLM and USFWS lands, Desert Survivors supports the No Action Alternative for the "Draft Legislative Environmental Impact Statement on a Timbisha Shoshone Tribal Homeland, April 2000". Desert Survivors would like to see other parcels, such as the four we mentioned in 8.) above. The Draft LEIS is inadequate without proper consideration of those four alternatives. E1H-21

As noted in the cover letter, the California Desert Protection Act requires the Secretary of the Interior to "identify lands suitable for a homeland for the Timbisha Shoshone." Amargosa Valley, for example, with its many economic opportunities, would make an excellent reservation/homeland for the tribe. The Protection Act says nothing about "special use areas" or "cooperative management areas" and does not abrogate in any way the authority of the National Park Service or the stringent management prerogatives of the 1964 Wilderness Act or the rest of the CDPA. Neither the Interior Department nor the National Park Service is authorized to do either.

Congress should be focused on making a homeland or reservation for the tribe, not in changing Park or Wilderness management. Congress should write no law that transfers land or gives an open-ended management role to the Timbisha tribe until the tribe's specific proposals are analyzed in the new LEIS. E1B-22

Desert Survivors thanks the Department of the Interior and the National Park Service for this opportunity to submit scoping comments on the "Draft Legislative Environmental Impact Statement on a Timbisha Shoshone Tribal Homeland, April 2000". We expect that our comments will receive full consideration in any further proposals on this subject and that the Environmental Impact Statement that will be re-written to take into account our criticisms and comments.

Sincerely,



Steve Tabor, President

Desert Survivors

PO Box 20991

Oakland, CA 94620-0991

(510) 769-1706

E-mail: <StevTabor@AOL.com>



## LEIS-206

Kathleen E. Gess PO Box 9 Darwin CA 93522 (760) 876-8313

August 12, 2000

Dick Martin  
Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley CA 92328

Re: Timbisha Shoshone Tribal Homeland LEIS

Dear Mr. Martin:

As a resident of Darwin, California and a frequent visitor to Death Valley National Park, Saline Valley Warm Springs, and the public lands surrounding Darwin, I would like to comment on the Timbisha LEIS. I believe that this document and the accompanying legislation, Senate Bill S. 2102, have overlooked potentially devastating impacts on my town, the surrounding desert lands, Inyo County, and visitors to this unique and challenging environment.

I do not question that the Timbisha Tribe should be given lands to establish a reservation. I support the transfer of land at Furnace Creek, which has been the home of the Tribe for generations. I believe that development in this area, following NPS/NEPA guidelines, will benefit the Tribe and will not harm the sensitive environment. I am concerned, however, that development of widely dispersed parcels outside the Park, with questionable NEPA safeguards, could have a deleterious impact on the desert environment, including Death Valley National Park itself. I also question whether such widely separated reservation lands will be manageable by, and beneficial to, the Tribe.

### LEIS FAILS TO EVALUATE IMPACTS

The Timbisha LEIS is a hastily composed and flawed document, containing no real science and many factual errors and deceptive statements. I will not enumerate its defects here, except to repeat that Darwin's concerns about impacts on its source spring in the Coso Mountains were dismissed with the assertion that pumping groundwater at Centennial Flat would not affect the "wells in Darwin." It has now been acknowledged by the authoring agencies that there are no wells in Darwin because there is no groundwater in Darwin. I will return to Darwin's concerns later. E1D-01 E1G-02

The LEIS purports to restrict its evaluation to the environmental impact of the proposed land transfers and other legislative actions. It disclaims any responsibility for evaluating impacts on the plant, animal, and human communities in the affected areas because specific development plans for the transfer parcels are allegedly unknown.

Since the LEIS was issued, however, an amendment was made to S. 2102, quantifying Federal reserved water rights for each of the transfer parcels. Now it is possible to evaluate the environmental impact of transferring these water rights. The cooperating agencies should carry out a full Environmental Impact Study, based on the permitted levels of water use, before Congress proceeds to a final decision on the Timbisha Homeland Bill. E1H-03



#### CORRUPTION OF PUBLIC PROCESS

The Senate's precipitous action in passing S. 2102 before the close of the public comment period on the LEIS has left concerned citizens with a feeling of helplessness and disenfranchisement. We who live in the affected areas are aware of the inadequacies of the LEIS, and its failure to consider potential impacts upon local communities. This makes a very poor beginning for the establishment of a reservation for the Tribe. The federal government's Timbisha Homeland proposal has factionalized the citizenry, pitting the Timbisha Tribe against local residents and users of the public lands. The LEIS has aggravated this situation by cavalierly dismissing the concerns and needs of local communities and governmental entities. P4-04

At a meeting in Lone Pine on August 10, federal representatives once again said that the Timbisha Homeland Bill and LEIS are "political" and "legislative," and that they have no control over this process. This is not entirely accurate. It was agencies under the Department of the Interior that initiated the Timbisha Homeland proposal. It was DOI that drafted Senate Bill S. 2102 at the request of Senator Inouye, and that proposed the water allotments. It was representatives of DOI and the Timbisha Tribe who testified at hearings before the Senate Indian Affairs Committee and urged passage of the bill with no regard for its potential impact on the Tribe's prospective new neighbors. I assert that DOI still has the power to call for a pause in the legislative juggernaut and propose some changes in the bill that would provide remedies for possible environmental impacts ignored by the LEIS. It was the responsibility of the LEIS to spell out such remedies, and the document did not fulfill its mandate. P4-05

#### CENTENNIAL FLAT

The "Technical Report" dated July 19, 2000 offers little improvement upon the LEIS in its evaluation of potential impacts of groundwater pumping at Centennial Flat. It presents no hydrologic data on possible connections between Coso Cold Spring (Darwin's source spring) and groundwater in Centennial Flat. The test well on Centennial Flat has not been properly pumped, and so no test data are available from this well. No monitoring wells are in place on Centennial Flat. No attempt has been made to evaluate the impact of groundwater pumping on even the nearest springs in the Cosos, namely Black Rock and Lower Centennial Springs, and upon the wildlife communities that rely upon these springs for their survival. W1-06

No provisions have been proposed in the LEIS to protect the community of Darwin if groundwater pumping at Centennial Flat affects its water supply. Unless such safeguards are built into the legislation, no withdrawal of groundwater should be permitted at Centennial Flat. W1-07

The LEIS provides no current inventory of plant and animal species on Centennial Flat, relying on a selective listing from preexisting sources. Sensitive animal species, including desert bighorn, Mojave ground squirrel, and rare endangered snails, may live at Centennial Flat and the adjacent springs. The transfer of the Centennial Flat parcel should not proceed until potential impacts on these species, and the local federally protected wild horse herd, are evaluated. WL-08

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



Centennial Flat is one of California's few remaining unspoiled high desert basins, with a lush Joshua tree forest, beavertail cactus that blooms exuberantly in the spring, and the rare resource of darkness that affords an unparalleled view of the night skies. The availability of groundwater remains in question. It is certainly limited, and cannot support a significant residential community, let alone a commercial enterprise.

Centennial Flat is not an appropriate location for the proposed reservation development. It should be dropped from the legislation. If the Tribe truly needs a western parcel far removed from its tribal center at Furnace Creek and its outlying eastern parcels, then some other location should be identified, with a better groundwater supply.

W1-09

#### SALINE VALLEY

As a member of the community that uses and maintains the Saline Valley Warm Springs, I am troubled by the deceptive language of the LEIS which establishes the Tribe's "claim" to the springs based on an historical Indian settlement at Hunter Canyon. The two areas are geographically distant, with completely different plant communities, contrary to the inaccurate botanical "inventory" in the LEIS.

The best documented Indian settlement in the Hunter Canyon area that included Panamint Shoshone people postdated the establishment of mining camps in Saline Valley. The Indians grew traditional and non-native crops and sold them to the miners. This hardly constitutes documentation of exclusive ancestral claims to Saline Valley.

The Tribe's historical claim to the Saline Valley Warm Springs as a spiritual and healing place is based only on the testimony of a current member of the Tribe. Anthropological studies document the use of the area around the Springs only for hunting blinds. It is the current user community, not the Timbisha, who developed the Springs for bathing and who for generations have maintained a healthy, attractive environment where all visitors are welcomed.

HU-10

The LEIS correctly states that changes in current management practices at the Springs would be likely to cause controversy. The Tribe says it wants to close the Springs for short periods of time, in only limited areas, for traditional and ceremonial activities. Such closures should not be implemented without adequate safeguards to protect visitors who arrive at this remote location expecting to have access to water. I suggest that any Tribal activities be restricted to brief closures of Upper Warm Spring, where the natural setting is preserved and exposure to current use patterns is minimized.

SV-11

Closure of the Springs for one or two days a year does not require a co-management agreement with NPS. The Saline Preservation Association (SPA), representing the current user community, has a pending MOU with the Park. This MOU must be finalized, with or without the participation of the Timbisha Tribe.

The LEIS neglects to identify the parcels in Saline Valley proposed for purchase as the "Indian Rancheria." If these are the privately owned Gervais and Moyer parcels, the owners were not contacted prior to the drafting of the LEIS, and Moyer is on record as not being a willing seller. Inyo County policy opposes further transfers of privately owned land to federal control, since such transfers would have an adverse impact on the County's tax base. Moreover, any residential development within Saline

IR-12



Valley would place an unacceptable burden upon the County in the form of road maintenance, possible school bus transportation, and other services. No commercial activities or "informational" facilities should be developed in Saline Valley. SV-13

#### NATURAL AND CULTURAL PRESERVATION AREA

The proposal to superimpose an "Indian reservation" on a National Park is unprecedented, and should not be implemented. As a compromise settlement of the Tribe's initial request for some 850,000 acres of Park land for its reservation, it is shallow tokenism at best, and potentially harmful to the very foundations of the National Park system at worst.

The Timbisha can engage in plant gathering and other traditional activities without "co-management" arrangements. Using traditional cultural practices as a pretext for coopting high-value areas within Park and BLM lands (through co-management agreements or temporary closures) violates the public's rights to equal access, and distorts the priorities expressed by tribal members. E1B-14

According to the "Tribal Needs Assessment," Appendix T of Volume 2 of the LEIS, tribal members did not list traditional resource management as an area of high cultural interest. Who, then, would be implementing co-management agreements for the Tribe? One possibility is that the Tribe could bring in contractors to carry out its co-management mandate, in effect privatizing the management of Park resources. Traditional Tribal resource management practices may be in conflict with contemporary practices, which are based on a different premise than subsistence economic activities. The LEIS neglects to evaluate such potential impacts of co-management of Park resources by the Tribe.

#### SOCIAL AND CULTURAL IMPACTS

The Tribe's ancestral hunting-and-gathering culture is invoked throughout the LEIS. The Tribal Needs Assessment shows that tribal members are concerned not only with preserving their traditional culture, but also with adequate housing, education, jobs, health care, and economic development, similar to all contemporary Americans. Hopefully, tribal leaders will pay as much attention to the material needs of all tribal members as they have to promoting the concept of cultural survival.

Similarly, rhetoric about past injustices dominates the LEIS. This has helped elicit support for the proposed legislation, but has also alienated the Tribe from its immediate neighbors in the California desert, who played no part in their historic mistreatment. I hope that the Tribe and government agencies will make a sincere effort to heal the rifts that have been created by the fast-track advancement of the Timbisha Homeland Bill and LEIS, which gave the appearance of disregard for public process and for potential impacts on local communities and the natural environment.

Unevaluated potential cultural impacts extend beyond the Timbisha Tribe. Hunter Mountain, which lies within the proposed Natural and Cultural Preservation Area, is a special place for other Great Basin tribes besides the Timbisha. The LEIS does not evaluate the impact on these tribes of giving the Timbisha privileged access to areas that were formerly accessible to all tribes, and all Americans. E1H-15

The same issue applies in Saline Valley, which was just as important to the Owens Valley Paiutes as it was to the Panamint Shoshone, the ancestors of the Timbisha. E1H-16



Members of other tribes have enrolled in the Timbisha Tribe in the hope of reaping anticipated political, economic, and social benefits. Encouraging Indian people to abandon their tribal identification and take up the culture of another tribe, in order to enjoy special privileges or continued access to traditional places, is a form of cultural genocide. It is not in keeping with the intent of the Desert Protection Act, which called for establishing a homeland for the Timbisha in their ancestral (Panamint Shoshone) homeland, not on the lands traversed by and shared with a number of other groups.

#### SCOTTY'S JUNCTION

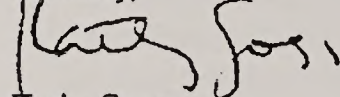
A reserved Federal water right of 375.5 acre feet/year has been assigned to the Scotty's Junction parcel since the publication of the LEIS. Withdrawal of groundwater in excess of 200 acre feet/year could have a harmful impact on water resources inside the Park at Grapevine Canyon and Scotty's Castle. Before this transfer is made, the potential impact of groundwater withdrawals at this parcel should be fully evaluated, and safeguards built into the legislation to prevent damage to Park resources. E1H-17

#### CONCLUSION

While it seems futile to submit my comments on the LEIS in the face of impending Congressional action, I hope that the voice of the public will be heard and heeded before irreversible transfers of public lands and water rights are made. Please consider the following recommendations:

1. Establish the Furnace Creek community as the center of the Timbisha reservation, with all possible residential, economic, social, and cultural opportunities.
2. Delete Centennial Flat from the proposed legislation.
3. Delete the Natural and Cultural Preservation Area and Tribal co-management of Park resources.
4. Delete the co-management of Saline Valley Warm Springs by the Tribe, and the purchase of private lands in Saline Valley.
5. Safeguard the access of other tribes to culturally significant areas.
6. Establish reasonable limits on water use for the Scotty's Junction parcel.
7. Through education, housing, health care, economic development, and other programs, help the Tribe to integrate into 21st-century culture. Encourage preservation of cultural values, but not the pretense of subsisting as hunters and gatherers in the midst of a tourist-based economy.

Sincerely,



Kathy Goss

cc: Congressman Jerry Lewis  
Supervisor Michael Dorame  
House Resources Committee  
Saline Preservation Association



August 10, 2000

Mr. Richard Martin - Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, California 92328

Dear Mr. Martin:

I am writing this letter in response to the Timbisha Shoshone environmental impact statement.

I refer to an article in the Tonopah Times-Bonanza Goldfield News newspaper. It states in part, "In addition, the proposed action describes the development of future cooperative agreements between the BLM and the tribe on public lands surrounding some of the BLM proposed transferred parcels."

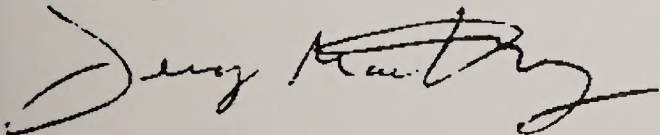
As a future private landowner in the proposed Timbisha Shoshone area I would object to any hindrance to access to the proposed property I am seeking to purchase. This access could be "on public lands surrounding some of the BLM proposed transferred parcels."

On behalf of private landowners I also object to any designation to the Timbisha Shoshone proposed area solely as the tribes' homeland where current private property exists.

In addition, in the best interest of the United States and the Timbisha tribe, I object to the ceding of any federal, U.S., state highway, RS 2477 right of way or other recognized thoroughfare within the proposed area that would allow such to come under the jurisdiction to any government, authority or nation other than that of the United States of America.

I am requesting a copy of the Timbisha LEIS and ask, if possible, for an extension of the August 21 deadline so as to have sufficient time to receive and review the statement for further possible comment. E2-01

Sincerely,



Jerry Mackovic  
P.O. Box 210712  
Milwaukee, Wisconsin 53221

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Superintendent  
Death Valley National Park  
Post Office Box 579  
Death Valley, CA 92328

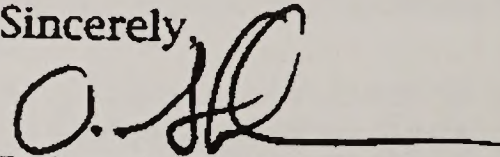
Dear Superintendent Martin,

8-7-00

Am having difficulty having faith that public comments will be read in earnest and seriously considered. (Have had too much experience otherwise.) On the off chance that the National Park officials are even marginally receptive, it seems to me that this water concern is a matter of not being able to see the forest for the trees. The hydrology report is excellent, however, until the park gets rid of that stupid golf course, it is an utterly trivial discussion.

One more question: In a 100 million acre park, why does the tribe get only 7,000? (Dry bones to old dogs?) P4-01

Sincerely,



Deborah Goldeen  
2130 Birch St.  
Palo Alto, CA 94306

c.c. Timbisha-Shoshone Council



## LEIS-209

Author: "Wayne Schulz" <wschulz@yosemite.net> at np--internet

Date: 08/17/2000 3:26 PM

Normal

TO: DEVA Superintendent at NP-DEVA

Subject: Draft LEIS, Timbisha Shoshone Homeland

----- Message Contents

Superintendent

Death Valley National Park,

Death Valley, CA

Dear Superintendent Martin:

I support the adoption of the Draft LEIS providing for the transfer of Federal and private Lands, in trust, to the Timbisha Shoshone Tribe. However, I would like to express three concerns I have with the document.

1. The discussion of the "Tribal Mesquite Use Area" allows the Tribe exclusive access and use of the mesquite trees in this area, to include pruning, harvesting, and thinning. This description may lead one to conclude that the Tribe would be allowed to harvest the trees for their wood content. Since this action would be contrary to National Park Policy for the protection and preservation of Death Valley, I suggest that the wording be changed to avoid this interpretation. Would roads be built for access to the trees in this area?

DV-01

2. The Buffer Area is intended to restrict visitor use to protect privacy of the Tribe. The LEIS is silent on what activities the Tribe may undertake in this area. This issue needs to be addressed.

DV-02

3. The LEIS allows commercial development at Furnace Creek on a 314 acre parcel. Considering the sometime disastrous problems the NPS has encountered with commercial development within park areas, the LEIS needs to make a clear statement that all development at Furnace Creek must receive prior NPS approval and commercial development can proceed only after business and operating plans have been approved. Any commercial development must be preceded by a marketing study.

DV-03

Thank you for the opportunity to review and comment on this document.

Sincerely,

Wayne Schulz

5566 French Camp Rd.

Mariposa, CA 95338

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LEIS-210

**COMMENT FORM**

TIMBISHA SHOSHONE TRIBAL HOMELAND

mail to:  
Superintendent  
Death Valley National Park  
P.O.Box 579  
Death Valley, CA 92328

Date: 8-15-2000

Your name: TERALD W. RESEN

Address: P.O. Box 484 - 551 SIERRA ST.

City: Independence State: CA Zip: 93526

**Comments:**

THERE IS NOT ENOUGH INFORMATION  
ABOUT THE EFFECT DRILLING AND PUMPING  
A WELL IN CENTENNIAL FLAT WOULD DO TO  
THE ENVIRONMENT AROUND UPPER & LOWER CENTENNIAL  
SPRINGS AND BLACK CANYON SPRINGS. ANY PUMPING  
WILL DRY UP THOSE SPRINGS. I HAVE HAD MANY  
YEARS OF EXPERIENCE DRILLING AND PUMPING  
WELLS FOR THE D.W.P. AND I KNOW FROM  
THAT EXPERIENCE THAT THEY WILL DRY UP. (OVAR)

Comments can also be made electronically at <http://www3.iwvisp.com/blm/report>

C-01



Your Technical Report is poorly done and  
there are not facts only unproven guess work.  
I submit that the area around Centennial Flat  
be withdrawn - and the whole project be  
stopped. No more closure of public lands.  
If land is to be given it should be land all  
inside the D.V.H.P.

TERNO RIESEN  
Indep. Co.



RUSCO AND RUSCO  
Consultant Services

LEIS-211

Elmer R. Rusco, PhD  
Native American policy  
Ethnicity/race  
Nevada history

Mary K. Rusco, MA  
Cultural Resource Studies:  
Great Basin Archeology  
Native American Studies

14 August 2000

Richard H. Martin, Superintendent,  
Death Valley National Park  
Box 579  
Death Valley CA 92328

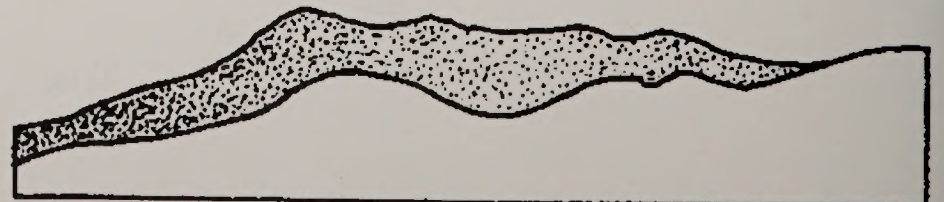
Dear Superintendent Martin:

This is an introductory statement in response to the Legislative Environmental Impact Statement (EIS) of April 5, 2000, on the Timbisha Homeland. My wife and I have regarded Death Valley as a wondrous place since shortly after we moved to Reno in 1963. We have visited the Monument and the Park on an average of at least once a year since then. When our children were young, we took them to the Monument on spring vacations, and since 1987 have visited the park and members of the Timbisha Shoshone Tribe more often. We were pleased when Congress made the Monument a National Park, expanding its borders, and strongly support protecting and enhancing the Park's unique resources.

Since the mid-1970s, Elmer has done research on the history of legal issues involving the Western Shoshone including the Timbisha of Death Valley. An emeritus professor of political science (from the University of Nevada, Reno), he continues to do research on law and ethnicity in several areas, with an emphasis on public/legal policy involving Native Americans of the Great Basin. He has closely observed and written about, in scholarly publications, the traditionalist movement among the Western Shoshone since the mid-1970s. He first met Pauline Esteves at meetings of the Western Shoshone National Council more than 20 years ago. For the last several years, Elmer has been a member of the Sierra Club Task Force on Death Valley, and in that capacity has broadened and deepened his knowledge of the National Park.

Mary began work in 1986 on an ethnographic and socioeconomic study undertaken by Catherine Fowler of the Nevada Test Site and its vicinity. She participated in two related studies, also directed by Professor Fowler, of the Timbisha traditional homeland, approximately 90 percent of which is now within the National Park; these studies are cited in the EIS. She was the principal advisor of a historical preservation study conducted by a Timbisha tribal committee, which recorded traditional cultural properties (TCPs) within their homeland, developed a historic preservation plan with regulations accepted by tribal members at an open meeting, and presented to the Tribal Council.

Box 8947  
Reno, Nevada 89507  
702-747-6727





After we both read and discussed the draft Legislative Environmental Impact Statement, we found that we agreed so closely on our responses to it that we have drafted the enclosed joint statement.

Sincerely,

*Elmer R. Rusco*

*Mary K. Rusco*

Elmer R. and Mary K. Rusco

Box 8947

Reno NV 89507

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15 August 2000

Richard H. Martin, Superintendent  
Death Valley National Park  
Box 579  
Death Valley CA 92328

Dear Superintendent Martin:

We approve strongly of Alternative A, Draft Legislative Environmental Impact Statement/Timbisha Shoshone Homeland, and have already written the Senate Indian Affairs Committee (on April 12, 2000) in support of S. 2102.

The Draft statement gives the reasons for Alternative A, although certain matters could be given stronger emphasis, in our view. First, there are the positive reasons for providing the Band with trust land at Furnace Creek and other parcels of land outside the Park, plus joint use, subject to existing law and joint agreements with the Park Service.

The Timbisha Band has managed to survive through centuries and probably millennia in spite of the denial of most of its rights during most of the time since Euro-Americans arrived in the Great Basin. We are very pleased that the Park Service now wishes to rectify much of this record of mistreatment, but it would be useful for more details on the history of U.S. Government and Timbisha Shoshone relations to be made available to the visiting public. This is information that could best be presented by the Tribe, with the cooperation of the Park staff, when a Tribal Museum or Cultural Center is available.

During the millennia Timbisha ancestors occupied their desert valley and range homeland, they learned land management skills that can be shared with Park personnel. These include, for example, mesquite and pinon management discussed in the reports by Fowler, M. Rusco and DuFort, referred to in the Draft EIS. For example Alternative A notes that no significant danger to plant and animal life is anticipated as a result of the changes proposed in Alternative A, and in several cases there is reason to believe that the effect will be beneficial in this area--specifically in the joint Timbisha/NPS management of mesquite and pinon. All of this is appropriately noted in the Draft statement.

Most important in many respects is that Alternative A will help the Timbisha Band in four major ways that are noted in the Draft:

First, possession of trust land will make the Band eligible for more help from the Bureau of Indian Affairs and other federal agencies. It will also allow more satisfactory



tribal headquarters and other facilities, to replace the present trailers and ramada;

Second, provided there is enough water available, the Tribe will have an opportunity to build facilities on the enlarged village site to provide employment for its members, so that more of them can return to their homeland;

Third, economic development may be undertaken by the Band at other sites proposed for turnover to the Tribe, particularly the Lida complex, Death Valley Junction, and Scotty's Junction; and

Fourth, the Village site and other locations which will be made available to them, will provide housing sites for the Tribal members who wish to return to their valley.

Alternative A also outlines the ways in which the Park as a whole and the growing number of visitors to it will benefit. A tribal museum, if one is built, plus display sites at various locations throughout the area, will provide previously-unavailable access to the history and culture of the Timbisha Band. Members of the Tribe will have expanded opportunity to tell their story to visitors. We are confident that there will be great interest in this enlarged aspect of the Park on the part of large numbers of visitors, especially Europeans and Asians, who have been a major component of visitors for some years.

Alternative A also notes that there is very little reason to suppose that developments brought about as a result of carrying out its proposals will have negative impacts of any kind. There will be reduced payments to local governments because of transfer of some federal lands to the Band, but these losses will be small and will be offset by greater economic benefits to local areas, some of which will enhance revenues to local governments, if the Band develops successful economic enterprises.

Some may be uneasy that the Draft statement does not even attempt final assessments of those parts of Alternative A which will become meaningful only when joint agreements between the Band and the Park are developed and implemented. This is true with respect to some wildlife impacts and particularly true with respect to water questions. But the fact that such agreements will be subject to laws existing at the present time plus the undoubted devotion of Park employees and leadership to protecting the values of the Park and the commitment of the Band to preservation (demonstrated through a very long period) make worries on this point unnecessary. It is also appropriate to note that the Band has a legal right under existing law, as a sovereign Native American community, to participate in the making of these decisions; all the detail should not be spelled out in legislation.



A few points, which are not of fundamental importance, are worth making. First, at two places it is asserted that Death Valley National Monument was created by statute; instead, it was created by Presidential action in 1933. No doubt this has been noted by several reviewers.

DV-01

Second, there is no direct mention of two matters which have been highly controversial in the past. One is the question of whether a gambling casino might be built within the Park. We can think of no theoretical reason not applicable to everyone else to ban such an eventuality in the legislation (provided that the Band were left with this option on areas outside the Park), although we have some personal doubts about gambling as source of livelihood. However, it is not necessary to deal with this question legislatively at all. The Band has stated repeatedly that it will not attempt to use the village site for this purpose, and it is also obvious that in any case the site is not large enough for this purpose.

MG-02

There is also the question whether traditional Timbisha land-use might include hunting. At one point the Draft says that hunting will not be permitted, presumably because this is one aspect of following existing laws. Our personal position is that there is no reason in principle to ban all hunting by members of the Band, although we would anticipate that only small numbers of most animals or birds could be hunted within the Park without endangering species survival. Of course, no joint agreements should be reached which will threaten or endanger any species. We are not aware of the Tribal position on this issue.

HT-03

Finally, it seems clear that the biggest unknown in the present situation is the availability of adequate supplies of potable or treatable water for the various uses to which the Band wishes to put its land. While it is not clear exactly what water demands there will be as a result of Alternative A, because joint agreements do not yet exist, the Draft does make estimates in some crucial cases.

W2-04

It should be noted that in the 1890s several brief studies by federal scientists, under the direction of C. Hart Merriam, reported members of the Timbisha band engaging in irrigated agriculture within the future boundaries of the Park. One stated that Western Shoshones at Hunter Mountain were selling water to the Borax Company. (See American Anthropologist, January, 1891: 371-2, July, 1892: 351-61, and April, 1893: 377-80). There is also evidence of very early use of irrigation by Western Shoshones at Hungry Bill's Ranch.

This is very important, because it establishes beyond doubt that the Band was using water in ways considered beneficial by appropriations law of the time, long before the Monument was established, and that de facto recognition of their ownership of water was extended as early as the 1890s. It should also be noted that the Tribe undoubtedly will have Winters Doctrine water



rights for the purposes for which the reservation is created after the bill becomes law. But the late date for establishment of the reservation may severely limit such rights. We think it important to note that the Timbisha have a strong moral claim for use of water from Death Valley long before creation of the Monument, a fact which Congress may well wish to take into account.

We gather that Amfac, Inc. presently has legal control of most of the water in the Furnace Creek Ranch area, because in the past the federal government has willingly subordinated its own needs to those of the Company. However, it appears from the Draft that Amfac is willing to sell some of its water rights which are not now being used to the federal government for use by the Band. This is highly commendable.

We think a couple of matters concerning water might be made explicit or strengthened. First, legislation should state explicitly that the federal government obligates itself to purchase water rights from willing sellers to permit development by the Band. Perhaps this is in the bill; if not, it should be. At least one precedent for such language is in the Negotiated Settlement of northwestern Nevada water conflicts which became law in 1990. W2-05

Second, the relevance of water conservation to providing increased water use by the Band without harming other uses should be emphasized. We understand that the water taken up by the tamarisks is so great that elimination of these exotic trees would greatly reduce water use. We believe that the goal of eliminating tamarisk from Park lands should be stated clearly, with information on the savings in water resulting from this, and that the Band should be encouraged to make a similar commitment. Pauline Esteves has demonstrated at her own home that shade for village residents is possible through planting of desert trees (such as the palo verde) which do not use water in large quantities. W2-06

In brief, we heartily endorse Alternative A and think this Draft statement excellent on all the major points. Congressional approval of this proposal will bring a measure of justice to the Timbisha and greatly enhance the value of an already great national park for all of its users.

Sincerely,

*Elmer R. Rusco Mary K. Rusco*  
Elmer R. and Mary K. Rusco  
3665 Pomo Dr.  
Reno NV 89503

4



**DEPARTMENT OF FISH AND GAME**

Inland Deserts-Eastern Sierra Region

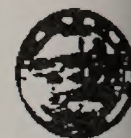
Bishop Field Office

407 W. Line Street

Bishop, CA 93514

(760) 872-1171

AUG 19 2000



August 16, 2000

Mr. Richard Martin, Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

Dear Mr. Martin,

The Department of Fish and Game (Department) has reviewed the Technical Report entitled "Darwin Water Supply and Lower Centennial Flat Water Resource Evaluation", prepared by Harding Lawson Associates dated July 19, 2000. The report discusses the water supply for the town of Darwin, and the potential relationship between the water supply for the town of Darwin and the development of water resources at Lower Centennial Flat. The report also briefly discusses the relationship between the potential development of water resources at Lower Centennial Flat and the springflow associated with Black Springs, located approximately 4 miles southwest of the site.

The Department is providing comments on this document as the state agency having the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish & Game Code section 711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish & Game Code section 1802). The Department's fish and wildlife management functions are implemented through its administration and enforcement of the Fish and Game Code (Fish & Game Code Section 702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. Sec. 15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

The report states on Page 3 that Black Springs has historically supplied a cattle trough located in the vicinity of the Centennial Flat property via a gravity driven pipeline



Mr. Richard Martin  
August 16, 2000  
Page Two

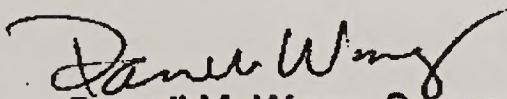
at a flow of about 2-5 gpm. The report also states that the relationship between groundwater extraction from the Centennial Flat parcel and Black Springs is uncertain and cannot be established with the limited data generated from the recently installed well.

As we stated in our July 13, 2000 letter on the LEIS for the Timbisha Homeland, we are concerned with the potential impact of development of the Centennial Flat parcel on the water and wildlife resources associated with Black Springs and other springs in the Coso Range. These springs provide critical habitat for a variety of migratory and resident bird and mammal species, including mountain quail, chukar, mourning dove, Townsend's big-eared bat (California Species of Special Concern) and pallid bat (California Species of Special Concern), as well as neotropical migratory songbirds. The Bureau of Land Management and National Park Service have also recognized the importance of riparian habitat by becoming signatories to the California Riparian Habitat Joint Venture, a cooperative program to conserve and enhance riparian habitat in California for the benefit of riparian-associated bird species.

The Department believes the biological resources associated with these springs are significant and should be protected when planning for any future development of water resources associated with the Centennial Flat parcel.

Thank you for the opportunity to comment on the report. Any questions should be directed to Ms. Denyse Racine, Environmental Specialist, at (760)872-1158.

Sincerely,

  
Darrell M. Wong, Supervisor  
Habitat Conservation Program

cc: D. Racine

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WL-01



Author: Bradley Angel <bradley@greenaction.org> at np--internet  
Date: 08/18/2000 12:54  
Normal  
TO: DEVA Superintendent at NP-DEVA  
Subject: Support Homeland for Timbisha Shoshone Tribe  
----- Message Contents

LEIS-213

August 18, 2000

Dick Martin  
Death Valley National Park Superintendent  
PO Box 579  
Death Valley, California

Dear Mr. Martin,

As an organization committed to protecting our environment and promoting justice for all peoples, Greenaction is proud to support S. 2102, the Timbisha Shoshone Homeland Act. S. 2102 was introduced by Senators Inouye, Feinstein and Boxer and passed by Unanimous Consent on July 19, 2000. The Homeland Act has now been sent to the House of Representatives and referred to the House Committee on Resources.

I would like to thank the Department of Interior for its support of the Timbisha Homeland Act and its hard work with the Tribe in preparing the Draft Secretarial Report to Congress to Establish A Permanent Tribal Land Base and Related Cooperative Activities. The Timbisha Shoshone Tribe has waited over fifty years to see a permanent land base established for its people, and this action for justice is long overdue.

It is time for the Timbisha Shoshone Tribe to have land where they can live permanently and govern their affairs in a modern community within their ancestral homelands in the Mojave Desert. This is consistent with the draft report prepared by the Secretary of the Interior as required by Section 705(b) of the California Desert Protection Act of 1994.

It is a shameful chapter in American history that in our democracy the Timbisha have remained a landless tribe. The lack of a land base is an unjust and major barrier to the social and economic advancement of the Tribe and has impeded the Tribe's ability to fully access federal housing and community development programs and services.

We join with the Department of Interior and the Timbisha Shoshone Tribe in supporting the Homeland Act. Thank you for your continued support for the Timbisha Shoshone Homeland Act.

Sincerely,

Bradley Angel  
Executive Director

-----  
Greenaction for Health and Environmental Justice  
<http://www.greenaction.org>  
phone (415) 252-0822  
fax (415) 252-0823  
1095 Market Street, San Francisco, CA 94103



Author: Sonja Bartsch <rsbartsch@earthlink.net> at np--internet  
Date: 08/19/2000 12:25 PM  
Normal  
TO: DEVA Superintendent at NP-DEVA  
Subject: Timbisha Shoshone Homelands

LEIS-214

----- Message Contents

August 19, 2000

Superintendent  
Death Valley National Park  
P. O. Box 579  
Death Valley, CA 92328

Re: Timbisha Shoshone

We are writing to state our opposition to the transfer of any public land to the Timbisha Tribe. We also oppose any partnerships between the BLM and the Timbisha Tribe.

The federal lands in California and Nevada should remain open to ALL United States residents not closed off or turned over to the manager of a particular group. Any such action would discriminate against majority of the citizens of the United States. Further, the rest of us pay taxes every April 15th from which we expect the public land agencies to be funded. The taxes we pay should allow us access to our own land. E1B-01

We realize this is the last day of the public comment period. Our hope is that our opinions and civil rights will be taken under consideration.

Sincerely,

Bob and Sonja Bartsch  
449 Vista Ave.  
Pasadena, CA 91107

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Aug 21 2000

August 19, 2000

Superintendent  
Death Valley National Park  
P. O. Box 579  
Death Valley, CA 92328

Re: Timbisha Shoshone

We are writing to state our opposition to the transfer of any public land to the Timbisha Tribe. We also oppose any partnerships between the BLM and the Timbisha Tribe.

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We realize this is the last day of the public comment period. Our hope is that our opinions and civil rights will be taken under consideration.

Sincerely,

*Bob and Sonja Bartsch*

Bob and Sonja Bartsch  
449 Vista Ave.  
Pasadena, CA 91107



Author: CalAerosp@aol.com at np--internet  
Date: 08/20/2000 8:24 PM  
Normal

TO: DEVA Superintendent at NP-DEVA  
Subject: comments Timbisha Shoshone

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Set one

From

Walter Bauman

3527 W. Big Tujunga Canyon Road

Tujunga, Ca. 91042

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Walter Bauman  
3527 W. Big Tujunga Canyon Road  
Tujunga, Ca. 91042

LEIS-215A

August 18, 2000

Mr. Richard H. Martin, Superintendent  
Death Valley National Park  
Death Valley, CA 92328

Via E-mail

Reference: Timbisha Shoshone Homeland LEIS

Dear Superintendent Martin:

I would like to reiterate my previous concerns about the Timbisha Shoshone Tribal Homeland Report, and tell you that in the drafting of the LEIS, they were largely ignored. I have attached a copy for your review.

The Public process is just that, Public, and to have our comments and concerns edited by the Senate Indian Affairs Committee, contaminates the process. Every letter should have been presented. P4-01

I strongly object to the transfer of National Park Land, the Public's Land, to another agency for the benefit of an Indian Nation. This will deprive many Recreational Users entry and use of land paid for by our tax dollars.

The concept of Co-Management of the National Park is only going to create havoc. Saline Valley Springs is of particular importance to me, as I have been part of that "Community" for many years. There is nothing that protects our right to continue to access or use this area, and no provision that it will be preserved in its present state. This is mentioned in the LEIS. In fact the Park states that they are going to increase the Tribe's presence at the Springs. It also recognizes the conflict of uses of the area. This co-management concept will only create tremendous conflict between the Public and the "Reservation" and be a management nightmare for all involved. M1-02

Last but certainly not least, is the issue of the parcels of private land targeted for acquisition. The LEIS refers to them as "Willing Sellers". One land owner, Marilyn Moyer, states that she is absolutely NOT a "Willing Seller". This is a gross misrepresentation of her position, that would end in the condemnation of her land. IR-03

Thank you for making my comments and concerns part of the official record.

Sincerely,

Walter Bauman

*Walter Bauman*

W I Z A R D



## LEIS 215B

Walter Bauman  
3527 Big Tujunga Canyon Road  
Tujunga, Ca. 91042

July 12, 1999

Death Valley National Park  
PO Box 579  
Death Valley, Ca. 92328

Attention: Mr. Dick Martin, Superintendent

Dear Mr. Martin,

For over half of this Century, I have been part of the "unique Community" of the Saline Valley Warm Springs, developed and sustained through a partnership with the Bureau of Land Management.

Since 1947, I have been more than a frequent visitor to the Springs and am considered by many in the Saline Preservation Association, part of the history of the area.

I was shocked to hear that the Park Service is considering giving the Timbisha Tribe co-management authority over 300,00 acres of our Public land that would include the Warm Springs.

In all of the years that I have visited the Springs, I have never encountered nor even heard of any Indians, or the Timbisha Tribe using the Springs or the surrounding area.

I strongly object to this proposal!

Please explain what authority the National park Service has to transfer the management of our Public Lands to any special interest group, especially one based on race or religion.

How can any special interest group be given "religious rights" on Federal Lands owned by all the People of the United States?

Since many Tribes now consider themselves "Sovereign Nations", how can you transfer our Public Lands or their Management Authority to any other governing body or group separate and apart from our Government?

This Co-management proposal clearly blurs the distinction between all Federal Lands and Reservation Lands. If this proposal goes forward, it could set a very

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dangerous precedent that would infringe on the rights of all other Americans, and not only cost the American People millions of dollars but millions of acres of our Natural Resources.

In considering the Cultural Heritage of the area, the Saline Valley Warm Springs should definitely be protected and preserved in their present state.

For decades, the continuous use of the Saline Warm Springs has been the "gathering place" for perhaps the most diverse group of recreational users, not just from our country, but from all over the world, to commune with Nature and their friends. The inaccessibility of the area alone, ensures that only those who love and respect this environment will go to all the trouble it takes to get there, and it's remoteness also makes it self-governing.

Perhaps, in these days of drive by shootings, a group of people who prefer to shed their clothes and enjoy the Springs in a peaceful, natural way, should not be considered a threat to anybody. It should be noted that some of the most famous beaches in the world are nude beaches, and the absence of clothing is not considered threatening or evil in other places.

National Park Lands are set aside for the preservation of their natural features and to protect these resources from development that would destroy their uniqueness.

The proposal for any development of the Saline Warm Springs in any form, let alone for the benefit of any special interest group, the Timbisha Tribe, would destroy the uniqueness of this valuable resource and the historic use of the entire area. E1H-06

The proposal by Dennis E. Watt, (Bureau of Reclamation Water Report, for the Department of the Interior) is a costly one, not only in the lost of a natural area, but in the millions of dollars that will have to be spent in order to develop this area for "tourists" and the support system that they will require, such as, gas stations, lodging, restaurants, law enforcement and emergency services. Such extensive development may even be in violation of the Desert Protection Act.

Consider this my official objection to this proposal or any other proposals for the development Saline Warm Springs and to any plans for the co-management of the area by the Timbisha Tribe. E1B-07

Page 3 of 3

Lastly, but certainly not least, I am more than concerned that the Saline



Preservation Association has been excluded from participating in the public process of preparing the draft proposal of the General Management Plan for this area, even though we have been the best represented group at the public meetings. P2-08

Your failure to mention or include the Timbisha Homeland Proposal at public scoping meetings and in the 300 page draft DEIS/GMP is of serious concern to those of us who have a history in the area, and as with any American citizen, have the right to participate and expect our government officials to be forthcoming and honest with the formation of a plan which has such far reaching consequences for the Saline Valley Warm Springs and the Public's right to the enjoyment of our Public Lands. P2-09

Thank you for your timely attention to my questions.

Consider this my request to have my comments entered into the official record for the future management of Saline Valley Warm Springs.

Walter Bauman

*Walter Bauman*

WIZARD



Author: "Rose Fennell" <rose\_fennell@twc.org> at np--internet

Date: 08/21/2000 12:59 PM

Normal

TO: DEVA Superintendent at NP-DEVA

Subject: Timbisha DLEIS comments

----- Message Contents

Please find attached comments to the DLEIS for the Timbisha Homeland Act.



August 21, 2000

Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley, CA 92328

**Re: Draft Legislative Environmental Impact Statement on a Timbisha Shoshone Tribal Homeland, April 2000**

Dear Superintendent:

The Wilderness Society and its 200,000 members and National Parks Conservation Association and its 450,000 members appreciate this opportunity to comment on the Draft Legislative Environmental Impact Statement which accompanies legislation to provide for a permanent homeland for the Timbisha Shoshone tribe of Death Valley. The Wilderness Society along with National Parks Conservation Association and Sierra Club commented in general support of the legislation during Senate hearings in March of this year. Recently, specifics of the land transfers, water rights, and management areas have been revealed. While we applaud the efforts of the Department of the Interior to provide to the Timbisha an ancestral homeland, we feel that the Draft Legislative Environmental Impact Statement is inadequate nor does it allow us to make an informed decision about the transfer or management of lands for this purpose. E1D-01

#### **Water Rights**

One issue of primary concern is the water allotment at Scotty's Junction. This water rights issue exemplifies both the inadequacy of the environmental document to provide necessary information and questions the validity of the allotment stated. The LEIS provides for an allotment of 375.5 acre-feet of water for 2800 acre Bureau of Land Management land transfer.

We question whether the allotment amount has ever been independently verified by DOI National Park Service experts. The allotment amount (which also appears in the legislation recently passed by the Senate) allows for a proposed "resort" at 50 acre-feet and a garden that will require 285 acre-feet! A garden that will require 285 acre-feet in a desert environment? Is this a commercial agricultural enterprise? None of this is made clear in the DLEIS. The appendices only say that the more water that is drawn, the greater the depletion of water resources for the park. That information is not helpful. There is no independent analysis of the E1H-02



environmental impact of the allotment. That is the purpose of an EIS and that information is sorely and conspicuously absent.

More attention should be given in the Draft LEIS to the effect this proposal will have on water resources in the National Park and the surrounding area. Many springs and water sources may be impacted by development in that location. Without an analysis of specific development proposals, it would be irresponsible for Congress to agree to specific allocations of water or indeed a transfer of land that would be dependent upon such allocations. Furthermore, this must be settled before legislation is passed into law and therefore, for an EIS to be helpful, the details of water allocation at on the proposed land transfer, particularly at Scotty's Junction must be settled. E1D-03

#### **Impacts on Wilderness**

Providing the Timbisha with an ancestral homeland should not overshadow or interfere with the National Park Services' responsibility in managing Death Valley's legislatively-designated Wilderness lands in accordance with the provisions of the Wilderness Preservation Act of 1964. Nowhere in the entire Draft EIS is there an acknowledgment of Act and its provisions. Yet, most of the areas proposed for "cooperative agreements" in the National Park and many of them under BLM management are located in statutory Wilderness set aside by Congress during enactment of the California Desert Protection Act, P.L. 103-433. The Draft EIS does not acknowledge this, does not define nor describe Wilderness, and does not proscribe the particular management practices of these lands that are mandated by the Wilderness Act and the California Desert Protection Act. The EIS must delineate specific practices that are to be followed in the management of the Wilderness Areas and Wilderness Study Areas. Leaving these practices to be discussed in some vague "cooperative management agreement" does not allow for adequate comment. E1H-04

The Wilderness Act must remain in effect on all Wilderness lands within BLM and Death Valley National Park jurisdiction. Access to and use of Wilderness by tribal members should be curtailed in the same manner as applied to any citizen or user. This includes the use of machinery and mechanical devices, which should be strictly controlled.

#### **Taking of Wildlife**

It is imperative to specifically have language in the DLEIS that would prohibit the taking of wildlife in Death Valley National Park. The DLEIS gives evidence that hunting was a traditional activity of the Timbisha Shoshone prior to Death Valley being declared a national monument in 1933. Specifically, Hunter Mountain located in the Nelson Range in the west central part of the Park was a valuable hunting area for [bighorn mountain] sheep and deer HT-05



until it was included within the boundaries of the Park. Hunting is incompatible with the resource preservation goal of the national park system. All hunting: ceremonial, subsistence, and sport hunting should be prohibited within Death Valley National Park.

#### **Inadequacy of the Draft Environmental Impact Statement**

E1D-06

Though the DLEIS purports to state the environment impacts that will result from the proposed actions, in many places the document states that "potential uses or development subject to future cooperative agreements" will not be analyzed. This includes impacts of water rights. If the actual environmental impacts to the land are not being analyzed, this is not an environmental impact statement! The information in this Draft EIS is not adequate to allow a decision to be made about either the transfer of land or the bestowing of special uses and cooperative agreements.

We must be able to analyze the impacts of proposals before we can adequately comment in support or offer constructive criticism of the proposals. Therefor, we must support No Action Alternative for the "Draft Legislative Environmental Impact Statement on a Timbisha Shoshone Tribal Homeland, April 2000" until such time adequate environmental documentation is provided.

Congress should be focused on making a homeland or reservation for the tribe, not in changing Park or Wilderness management. Congress should write no law that transfers land or gives an open-ended management role to the Timbisha tribe until the tribe's specific proposals are analyzed in a new LEIS.

The Wilderness Society thanks the Department of the Interior and the National Park Service for this opportunity to submit scoping comments on the "Draft Legislative Environmental Impact Statement on a Timbisha Shoshone Tribal Homeland, April 2000". We expect that our comments will receive full consideration in any further proposals on this subject and that the Environmental Impact Statement that will be re-written to take into account our comments and concerns.

Rosalyn J. Fennell  
Director, National Parks Program  
The Wilderness Society  
1615 M Street, NW  
Washington, DC 20036

Brian Huse



Director, Pacific Regional Office  
National Parks Conservation Association  
PO Box 1289  
Oakland, CA 94604



Jim Herriot, Ph.D.  
Maren Pedersen, M.D.  
784 Rosewood Drive  
Palo Alto, CA 94303  
650.329.1500  
[jim@herriot.com](mailto:jim@herriot.com)  
August 17, 2000

LEIS-217

AUG 21 2000

Dick Martin, Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley, CA 92328

**RE: Saline Valley and the Timbisha Shoshone Homeland issue**

Dear Superintendent,

I have read the Draft Legislative Environmental Impact Statement on the proposed Timbisha Shoshone Homeland.

This document is very **unclear** and full of errors. I hope our government does not make important policy decisions based on this incomplete flaw-filled document. E1D-01

Moreover, I urge you to **leave Saline Valley alone**. Many of us who truly love this special wilderness have been enjoying Saline Valley the way it is for going on a half a century. Now that this lonely oasis is "getting on the map" everyone wants to change it – and wreck it.

In the name of a few people who have rarely, if ever, been to the hot springs, there is a proposal to **harm the culture and ambient** of these wonderful unique hot springs. Ironically, in the name of ancient tradition, there is a move to cause the same kind of harm that is usually the role of urban assaults on the wilderness.

Many outsiders do not realize that the Saline Valley hot springs oasis is more than just a beautiful piece of wilderness – there is a wonderful irreplaceable **culture** which has evolved over the decades. This is a culture like almost nothing else found in western civilization. No one is "in charge". People keep it clean, beautiful, and friendly out of beloved tradition – not driven by "rules" and regulations. Our children learned an inspiring appreciation for the human spirit here.

Preserving the existing Saline Valley **human culture** is just as important as preserving other "flora and fauna" of the wilderness – maybe more important, because it is so incredibly rare.

Yes, these hot springs are a sacred spot. Our family and others have been regularly visiting, enjoying, enjoying and taking loving care of this oasis for many decades. We have celebrated many special holidays there and have returned many a time with spiritual renewal. We love the people. We love the clothing optional non-urban life-style. We love Saline Valley.

Please do not let any single group impose their will on the sacred lands of Saline Valley.

Sincerely,

  
Jim Herriot, Ph.D. Maren Pedersen, M.D.





United States  
Department of  
Agriculture

Forest  
Service

Inyo National Forest

873 N. Main Street  
Bishop, CA 93514  
(760) 873-2400  
(760) 873-2538 TDD

File Code: 1500

Date: 18 August 2000

Death Valley National Park  
Richard Martin, Superintendent  
P. O Box 579  
Death Valley, CA 92328

AUG 21 2000

RE: Draft Legislative Impact Statement: Timbisha Shoshone Homeland

Dear Dick:

The Inyo National Forest was invited to participate in a study directed by the 1994 Desert Protection Act to identify lands suitable for establishment of tribal trust lands for the Timbisha Shoshone. JoEllen Keil, then White Mountain District Ranger, and Linda Reynolds, Forest Tribal Relations Program Manager, who served as chairperson of the study group through the summer and fall of 1995, represented the Forest.

When Forestlands were no longer under consideration for transfer to tribal trust, the Inyo's formal participation in the study ended. Nevertheless, our concern that the Tribe receives lands suitable for habitation, economic sustainability, and cultural continuity has continued. We are pleased to see that the process has come to this positive completion.

The Inyo supports implementation of the preferred alternative, which will provide lands suitable for present and future tribal needs, establish mechanisms for cooperative management of cultural and other traditional resources, and provide the Tribe with a measure of social justice. Although concern has been expressed that transfer of lands to tribal trust status may decrease annual revenues to local governments, providing homes and employment for tribal members who currently reside in the surrounding counties will in all likelihood offset this decrease. SE-01

Overall, the preferred alternative will be of benefit to the Tribe, the Park, and the surrounding communities. Park visitors will benefit, too, from Timbisha presence and participation in interpretive activities.

Sincerely,

JEFFREY E. BAILEY  
Forest Supervisor



Caring for the Land and Serving People

Printed on Recycled Paper



August 17, 2000

Superintendent  
Death Valley National Park  
PO Box 579  
Death Valley, California 92328

AS 41 m

Dear Superintendent,

Wilderness Watch is submitting the following comments on the Draft Legislative EIS for a Timbisha Shoshone Homeland.

Wilderness Watch is a national conservation organization whose focus is dedicated to the protection and wise stewardship of areas within the National Wilderness Preservation System and Wild and Scenic Rivers System. Our staff and board of Directors have decades of experience in wilderness management and advocacy. We strive to monitor the management of every wilderness and wild river in the system. Our purpose is to ensure that the wilderness character of these special places is protected and preserved.

The EIS does not specify the acreage of the proposed Timbisha Shoshone Natural and Cultural Preservation Area, although this would be good information for the public to know. Map 7 suggests that it will overlay a majority of the national park and the EIS states that 95% of the Preservation Area is designated wilderness. Both the size of the Preservation Area and how it might impact wilderness are not entirely clear. Chapter 4 does not specifically mention the Preservation Area in its analysis of impacts on wilderness although page 96 of the EIS does make the general statement that any cooperative agreements would be subject to all applicable federal laws, executive orders, existing policy, etc. Chapter 4 lists activities that may occur in special use areas such as the Preservation Area, but Chapter 2 (pages 15-16) suggests that these traditional activities such as camping, gathering of plant materials, and tribal ceremonies will occur primarily in specific locations such as the Furnace Creek buffer area, Hunter Mountain, Wildrose Canyon, and Saline Valley Springs. Outside of these specific locations, it is not at all clear what special uses or activities may occur across all the rest of the Natural and Cultural Preservation Area. E1H-01 E1H-02

The overall purpose of the proposed Natural and Cultural Preservation Area is ambiguous. Page 13 of the EIS briefly states, "In recognition of the contributions of the Tribe to the history, culture, and ecology of the region, the action calls for the designation of a Timbisha Shoshone Natural and Cultural Preservation Area within and adjacent to Death Valley National Park." Gleaning from this small bit of information, it sounds as if the creation of the Preservation Area is primarily for interpretive purposes, to highlight the history and culture of the Timbisha Shoshone Tribe. Expanded interpretive efforts to honor and highlight the Tribe's contributions to the region can easily occur without needing to create an entire new land classification on public lands. Therefore, the real value and purpose of a Timbisha Shoshone Natural and Cultural Preservation Area remains completely unclear.



Transferring lands into trust for the tribe in order to provide them with an official homeland is E1H-03  
admirable, reasonable, and long overdue. However, it is less clear what purpose there is in  
superimposing a brand new land classification on NPS and BLM park and wilderness lands.  
This new land classification is without precedent and is lacking in clear management purpose  
and guidance. The EIS does not explicitly explain what implications such a classification will  
have on park and wilderness management. Page 13 states that "authority to manage these lands  
would be retained by the respective agencies." However, page 15 suggest otherwise: "The area  
of the proposed Timbisha Shoshone Natural and Cultural Preservation Area would be managed  
in accordance with a *jointly developed and established* land management plan."

In regard to wilderness, Section 2(b) of the 1964 Wilderness Act states that "the area shall  
continue to be managed by the Department and agency having jurisdiction thereover  
immediately before its inclusion in the National Wilderness Preservation System unless  
otherwise provided by Act of Congress." Wilderness Watch realizes that creation of the  
Timbisha Shoshone Natural and Cultural Preservation Area would require an act of Congress,  
and that such an act could authorize jointly shared management of those portions of designated  
wilderness that fall within the boundaries of the new land classification. Wilderness Watch does E1H-04  
not support jointly shared federal/tribal management of federal wilderness areas. The EIS does  
not explain why joint management of wilderness lands may be necessary or desirable, nor does  
the EIS explicitly discuss how jointly shared management authority may affect wilderness  
management.

Wilderness Watch believes that management of the lands in the Death Valley area that are E1H-05  
designated wilderness should remain solely under management jurisdiction of the respective  
agency (BLM and NPS) that had jurisdiction over them at the time of wilderness designation, as  
intended by the Wilderness Act. Although the tribe should have jurisdiction over their own trust  
lands, Wilderness Watch opposes giving the Tribe any management jurisdiction over federal  
public lands. Like other citizens, the Tribe should be allowed to participate in the planning and  
management process for public lands through existing channels of public involvement as  
established under NEPA and the Administrative Procedures Act.

Cooperative agreements and special use permits provide an adequate administrative means for E1H-06  
addressing tribal use and access to specific locations on public lands for traditional purposes, as  
described on pages 15-16. Therefore, there appears to be no need for vastly expanding the  
Tribe's official involvement in public land management by legislating them to have *joint*  
*involvement* in land management plans, including, presumably, wilderness management plans.  
There appears to be no need for granting special management involvement to the Tribe beyond  
that granted to all other citizens and affected groups.

There also appears to be no need for creation of a new land classification called a Natural and E1H-07  
Cultural Preservation Area. There are many places where NPS and BLM lands are adjacent to  
tribal lands such as Grand Canyon NP, Glacier NP, Mesa Verde NP, and BLM's Arizona Strip  
District in Arizona and the Moab District in Utah. In none of these locations has a new land  
classification been created and super-imposed over federal public lands, such as the proposed  
Timbisha Shoshone Natural and Cultural Preservation Area will do at Death Valley NP, if  
approved. In locations other than Death Valley, federal land management agencies and tribal



governments have been working together through existing management frameworks that include NEPA, cooperative agreements, memorandums of understanding (MOU's), and special use permits. Therefore, there appears to be no compelling justification for creating a new public lands classification in the Death Valley region, and no need to embark on jointly shared tribal/federal management planning for public lands.

Until the precise purpose, implications, and management directives for a Natural and Cultural Preservation Area can be clearly explained to the public, establishing this unprecedented and ambiguous new land classification should not occur. Transfer of 7,500 acres to the Tribe for their own distinct homeland is a worthy action. Expanded cultural interpretive activities are also worthy of agency and tribal cooperative efforts. Sharing educational interpretive materials including visitor centers is not unprecedented, and is currently underway at the new Grand Staircase-Escalante National Monument in Utah. However, Wilderness Watch asks that the proposal for a vague and unprecedented new land classification for public lands be abandoned at Death Valley.

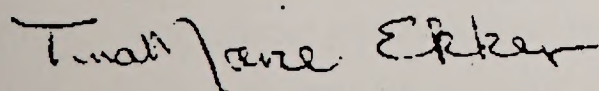
There are a few other points in the EIS that need to be addressed in relation to wilderness. Page 16 indicates that tribal members may use the Hunter Mountain area for "traditional camps." Much of Hunter Mountain is designated wilderness, so the Park Service should assure that any cooperative agreements with the Tribe contain the stipulation that no structures, even primitive structures of poles or rocks, shall be left in the wilderness when the camps are disbanded.

HM-08

All cooperative agreements and special use permits regarding tribal access and use of wilderness lands should stipulate that access and use will conform to the spirit and provisions of the 1964 Wilderness Act and the California Desert Protection Act. This means that no motorized access will be permitted, and no new structure or installation shall be left in the wilderness. Foot travel and pack stock may be allowed. If packstock are used, then weed-free pellets should be required as feed. Use of fires should conform to existing fire policy as it is applied to other visitors. Wilderness Watch supports closing certain specific locations to the public at specified times in order to provide tribal members with privacy for ceremonial activities. The dates of these closures should be no more than what is necessary to allow for the needed privacy, but no more extensive than this.

Wilderness Watch appreciates this opportunity to comment on the draft Timbisha Shoshone Homeland LEIS. We look forward to receiving any further planning updates and to reviewing future documents related to this topic. If you have any questions concerning our comments, please don't hesitate to contact us.

Sincerely



TinaMarie Ekker  
Policy and Outreach Director



August 19, 2000

LEIS-220

Dick Martin, Superintendent,  
Death Valley National Park  
P. O. Box 579  
Death Valley, CA 92328

Aug 21 2000

Re: Timbisha LEIS

Dear Mr. Martin:

For a few days each year, for a number of years, we have thoroughly enjoyed use of the Saline Valley Lower Warm Springs and Palm Springs, and nearby hiking trails, as developed and maintained largely through volunteer efforts. Of course, we would like to continue to do so in the same manner.

The Timbisha LEIS does not accurately show (Fig 7) nor describe (2.2.1.3.2) the boundary of the "Timbisha Natural & Cultural Preservation Area" so we cannot assess its impact on the developed hot springs area.

The Timbisha LEIS does not describe at all or document the "historical and cultural use of the area" (2.2.1.3.2 under "Saline Valley Springs"). With the hostility already shown by the tribal leaders toward the current users of the springs, and the proposed joint tribe and NPS management of the area, with tribal presence at the springs indicated, we cannot see how the springs can continue to be used as they are now. A joint management plan is conceptually a difficult situation, even when the objectives of the parties is the same. In this case, the cultural and objective differences of the parties is so diverse, that successful implementation seems unlikely to occur. HU-01

Further, the General Management Plan for the Park has not yet been issued making it impossible to adequately assess the impact of all these proposed changes on the usage of the springs. P2-02

We strongly recommend that the comment period be extended so that the necessary information can be prepared and distributed, and so that a more complete review by all interested parties, public as well as government, can be accomplished and comments submitted.

Sincerely,

*Ted Chavannes*  
*Jay Chavannes*

Ted & Jay Chavannes  
1362 Equestrian Ave  
Thousand Oaks, CA 91360  
e-mail: tchavann@concentric.net  
805-495-5194

cc:

Sen. Barbara Boxer  
Sen. Diane Feinstein  
Rep. Brad Sherman  
SPA

File:salplan3.doc



THOMAS A. GANNER  
 1353 North Guam  
 Ridgecrest, California 93555  
 (760) 446-4483 FAX: 446-0363  
 ganner@iwvisp.com

Aug 21 2000

August 19, 2000

Dick Martin, Superintendent,  
 Death Valley National Park  
 PO. Box 579  
 Death Valley, CA 92328

Congressman Bill Thomas  
 2208 Rayburn HOB  
 Washington, D.C. 20515

Sirs:

I wish to take advantage of the public comment period for the Timbisha Shoshone Homeland Draft LEIS. I appreciate the opportunity to offer input, and also appreciate the extensions granted to the public to make comment, despite the Senate's passage of the legislation during this comment period.

Allow me to first say that I favor the idea of giving the Timbisha Shoshone a land base and homeland that they may rightly and legally call their own. I understand this is mandated by the California Desert Protection Act, and I believe the mandate is appropriate.

While I support the idea of the Timbisha having a homeland, I regret that I cannot support the bill in its current form. I believe the proposed legislation is repairable.

The "documentation" supporting the transfer of land is insufficient to warrant the legislation. The Legislative Environmental Impact Statement, which is designed to suffice for an EIS, fails to do so adequately. Assembled in a matter of months, the LEIS contains ambiguous references, contradictory statements, and lacks much documentation needed to give credence to the proposal. I do not elucidate on these points here, as the Saline Preservation Association and its membership have cited these discrepancies and omissions in great detail in correspondence to the National Park Service and Congressional committees responsible for reviewing the Statement.

E1D-01

E1G-02

I believe the proposed legislation oversteps the intent of the mandate to grant the Timbisha Shoshone a homeland in the establishment of the Timbisha Shoshone Natural and Cultural Preservation Area. According to BLM geographers, the NCPA includes 1.5

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million acres within the park boundary for special use and cooperative management. The California Desert Protection Act requires the Secretary of the Interior to "identify lands suitable for a homeland for the Timbisha Shoshone." It says nothing about "special use areas" or "cooperative management areas" and does not abrogate in any way the authority of the National Park Service or the stringent management prerogatives of the 1964 Wilderness Act or the rest of the CDPA. Neither the Interior Department nor the National Park Service is authorized to do either. Congress should be focused on making a homeland or reservation for the tribe, not in changing Park or Wilderness management. Congress should write no law that transfers land or gives an open-ended management role to the Timbisha tribe until the tribe's specific proposals are analyzed in the new LEIS.

E1B-03

The acquisition of properties from the Bureau of Land Management at Centennial Flats may have significant environmental consequences to the neighboring community of Darwin, California. I suggest that the acquisition of these lands at Centennial Flats be removed from the proposed legislation.

E1D-04

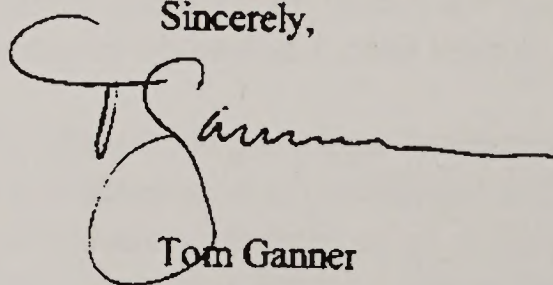
The proposed acquisition of privately owned land in Saline Valley is contrary to the desires of the land owners, and the Inyo County Board of Supervisors. The Park Service and the Tribe have both stated that such land will not be acquired through condemnation, and must only be acquired through a willing seller/willing buyer relationship. As this relationship does not exist, I suggest that the acquisition of these lands in Saline Valley be removed from the proposed legislation.

SV-05

With some modification to the proposed legislation, I would be happy to endorse the establishment of a Timbisha Shoshone homeland. Until such modifications are made however, I must support a No Action Alternative to the Timbisha Shoshone Homeland proposal.

Thank you for your consideration in these matters.

Sincerely,



Tom Ganner

cc: Congressman Jerry Lewis  
Congressman Don Young



LEIS-222

AUG 21 2000

Robert J. Paton  
67 Brookwood Road #8  
Orinda, CA 94563  
(925) 254-7353  
rjpaton@earthlink.net

• Ph.D. Candidate • • Cultural Ecology Consultant • • Educator • • Writer •

17 August 2000

Office of the Superintendent  
Death Valley National Park  
Death Valley, CA 92328

Dear Superintendent:

I write to you with comments regarding the Timbisha Shoshone homeland. As a journalist and graduate student following this matter, and related issues, for many years I have several comments to impart. They fall roughly into three categories: Timbisha rights; the National Park Service and non-Indian visitors; and finally more general environmental implications.

First, and most important, is my unequivocal support for the granting of trust land for the Timbisha Shoshone Tribe as described within the Draft Environmental Impact Statement (DEIS). It is vital that the Timbisha are given Trust land at Furnace Creek in order to maintain a presence and continue their crucial cultural practices located there. This is both in practical terms of sufficient economic development (with the majority of tourists flowing through this area) and cultural terms in maintaining a thriving village community where they have for generations prior to Euro-American presence in the Valley. The 300 acres as described within the DEIS is a significant improvement over the 40 acres that had been the Park Service position for many years.

Having been aware of the history of the land struggle I would like to voice my dissatisfaction that the Wildrose and Hunter Mountain areas, both of which are vital locations for pinyon gathering and other cultural activities, are not also considered for Trust lands. I am disappointed that the DEIS does not address such possibilities.

With that said I will say that the proposed Timbisha Cultural and Natural Resource Preservation Area encompassing both of the above areas, and many others, is visionary in what it sets out to do. This sets an important context for the cultural and a management role they play in this area. The same can be said about the Mesquite Use Area around Furnace Creek.

These aspects of the DEIS are visionary in their possible implications in developing viable alternatives to the current situation which has been detrimental to all parties. The Timbisha have suffered in the continued denial of their rights (even seventeen years after

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Federal recognition). The visitor and tourist has not been getting the complete story or picture of Timbisha presence and their tenuous relationship with the Park Service. Finally, the ecosystem has truly suffered due to a suspension of Timbisha management techniques. These co-management arrangements are a wonderful opportunity to begin to address all of these issues.

One last thing that I wish to mention in regards to the Timbisha, specifically, is the name. In Pauline Esteves' preface she states clearly that this is their place of creation, it is a place of life. That must be honored. Thus I ask that included in the final legislation a provision be included to change the name to Timbisha National Park. Denali is a precedent setting example of how important it is to counter the image that the Park Service is trying to supplant the original inhabitants with its own names, values and priorities. I would extend this also to other places within the Park where bilingual signage would be appropriate as per cooperative arrangements with the Timbisha.

This brings me to my second general area of comments. The DEIS makes it clear that the Park has clear benefits in mind from finally recognizing Timbisha rights and presence in the Park. The current situation must be approached as an opportunity to build trust and heal past relationships. This means many different things.

For instance, regarding the Mesquite Use Area, the DEIS notes that active Timbisha management of the severely impacted mesquite groves in the Furnace Creek area would enhance interpretation for visitors. While this is certainly true and an important effect, it is incumbent upon NPS to approach this with sensitivity and care. It would provide for a new and deeper understanding of the Timbisha relationship with the land and their management techniques in doing so. Yet, that is not the primary motivation for engaging in this project. It is to finally allow a cultural restoration process to begin, which they have been eager to start. It is to allow an ecological restoration process to begin, which has been desperately needed. It is also to allow a co-management relationship begin whereby the Park Service makes room for the Timbisha at the table as competent resource managers, but coming from their particular cultural context.

Another example might be the museum at Furnace Creek. It will be an exciting time when a visitor to Furnace Creek can visit the Timbisha Village and find a wealth of information about the rich heritage of the Timbisha in the area at a tribal museum. Some of this history must be included in the Park Service presentations. At present the museum is about the 'natural' areas, and the presence of mining. Almost as an afterthought, there is mention of the Timbisha. This is an important responsibility for the Park Service to meet. Included in this must be some accounting of the treatment of the Timbisha at the hands Euro-American settlers, including the Park Service. For example a plaque that reads that the oasis now occupied by the Park Service was once a village site of the Timbisha.

Finally, these comments lead me to more general thoughts about the implications for National Park management and broader conservation concerns. Over the last decade or more there have been growing demands by Native American communities for a stronger role in environmental management issues. This has meant that the traditional conservation agenda has had to account for its history and legacies, both in terms of the original occupants of many of these areas that dominant Euro-American culture deems worthy of



protecting and related ecological consequences. It is becoming more obvious to many that traditional conservation practices have had a detrimental effect on both the cultures and ecology of these places. This is nothing that anybody wants to intentionally inflict. Indeed it would seem that what is underway at Death Valley National Park is an effort to rectify this historic disservice.

However, I venture that we also do ourselves a disservice. Over the last six years I have never been to Death Valley National Park without the explicit awareness that I was a visitor in a valuable pristine natural area. But also, and as important, that I was a visitor in someone else's homeland. That has profoundly different implications for the way that I practice environmentalism. We all have been raised with the quotes from Henry David Thoreau and John Muir that praise wild places in order to help maintain the health and sanity of people. I am even more profoundly effected when I learn that those so-called wild places have in fact have had an active human presence for generations. That teaches me something very profound about the manner in which I can learn to have a relationship with the land.

It will be a victory for the Timbisha, the Park Service and the desert ecosystems when this too long delayed provision of the California Desert Protection Act is carried through. Let the day come.

I appreciate very much your attention in this matter.

Most respectfully,

Robert J. Pator

cc: Timbisha Shoshone Tribe  
Senator Barbara Boxer  
Senator Dianne Feinstein

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Aug 4 1 2000

August, 2000

Dear Superintendent Markin,

IN REVIEWING THE HANDSOME BUT HASTILY ASSEMBLED LEIS FOR THE PROPOSED TIMBISHA ACQUISITION, I HAVE STRONG CONCERNS. FRANKLY, MUCH OF THE INFORMATION PRESENTED INDICATED NO STUDY WAS ACTUALLY CONDUCTED. BIOLOGIC DATA REPRESENTED A "PRESUMED" PRESENCE; SIGHTINGS WERE CONFINED TO ALMOST NONE. SUCH INFORMATION MIGHT BE SERIOUSLY MISINTERPRETED OUT OF CONTEXT WHEN CONSIDERING POTENTIAL DEVELOPMENTAL IMPACTS. INSTEAD OF PROJECTED ASSESSMENT OF POSSIBLE CONSEQUENCES, THERE IS AN UNDERLYING IMPLICATION THE ECOSYSTEMS WILL NOT BE ALTERED. WATER STUDIES WERE SIMILARLY INADEQUATE. E1D-01

FUTURE RESOURCE MANAGEMENT WHETHER CONSISTENT WITH PRESENT POLICIES OR REPRESENTING TRADITIONAL TRIBAL USAGE SHOULD BE SMART. IT SHOULD BE BASED ON REAL INFORMATION.

AS REGARDS REGULATION OF THE POSSIBLE TRIBAL ACQUISITION, WHO WILL BE RESPONSIBLE FOR LAW ENFORCEMENT? HOW WILL IT BE ENFORCED AS SUBSEQUENT LEGISLATION MOVES TO "CATCH UP"? (HOW) WILL USAGE BY NON-TRIBAL PERSONS BE RESTRICTED? (SPECIFICALLY AND SELFISHLY, WILL I BE FORCED TO COMPROMISE OR FOREGO MY PERSONAL USAGE OF THE SALINE VALLEY SPRINGS?)

I AM CONFIDENT THAT SOME OF THESE CONCERNS ARE BEING ADDRESSED. IN THE MEANTIME, I THANK YOU FOR KEEPING ME AWARE OF THESE ISSUES, AS SUCH.

Sincerely,

Dwight Nicklin

PS

HAVE THE TIMBISHA FORMULATED A GMP AND IF SO, MIGHT I BE PROVIDED WITH A COPY?



Beth Sennett Porter  
PO Box 56  
Independence, CA 93526  
760-764-2038

## LEIS-227

To: Representatives of the Timbisha Tribe and the Department of the Interior

Re: Response to The Timbisha Shoshone Tribal Homeland Draft Legislative  
Environmental Statement

Homeland recognition and land ownership for the Timbisha Shoshone is of the highest importance for the Timbisha people and long over due. This EIS incorporates portions of many important Timbisha traditional use areas.

I am not going to pick apart each paragraph; however, I am concerned about the lack of specifics throughout the document. This has the appearance of having been rammed down everybody's throats and rushed through Congress without benefit of proper analysis as required by law. This sort of document has the potential to create loop holes and brick walls for all Parties involved including the Timbisha. E1D-01

In looking back at my initial comments from the previous document several things have not been adequately addressed which I feel is due to a poorly written document being put on a fast track for approval. Water issues are not clarified for all these areas. The Timbisha people need to have guaranteed access to water or the ability to drill wells in each area to make them habitable. This is a volatile issue for the Centennial Flats parcel that has the potential for conflict with the people in Darwin. After having attended the last public meeting on this issue I have no suggestions on how to deal with those people. I am, however, in favor of the Timbisha having this parcel. E1D-02

The Timbisha tribal membership is not large. The planned development for each of the areas presented will spread a limited number of people over a vast area. The tribal government will need to be vigilant to prevent fragmentation within the population. It is my hope that future management by all parties of these areas will first and foremost strive to protect the environment to ensure continued viable use for generations to come. It is also hoped that the tribe and the Park will work together utilizing all available resources to provide optimal education opportunities for those whose cultural traditions differ from the Timbisha. This is a geographic region that intrigues people from all over the world. A balanced interpretation of the cultural history that recognizes not only the aboriginal roots of the Timbisha, but also the Spanish, Mexican, and Anglo influences, is very important. The Earth is not stagnant, but constantly changing, as are those who inhabit the Earth.

Sincerely,

Beth Sennett Porter  
Anthropologist

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Karen Tracy, D.D.S.

August 21, 2000

Dick Martin, Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

Dear Sir:

I am writing in strong opposition to Senate Bill S.2102 granting the Timbisha Shoshone a homeland inside Death Valley National Park. I have received and read in depth the LEIS proposal and find striking geographical and historical inconsistencies. I am a frequent user of these public resources and they do not represent 750,000 acres but closer to 1.5 million acres. Such massive legislation must not be passed with only a legislative "look-see". A true environmental impact study would include much more than the belated and hastily back-pedaled "technical report" regarding water issues in Darwin and Centennial Flat. There is no documentation of Timbisha occupation of many of these sites. Superimposing a "cooperative management agreement" upon a National Park is unprecedented and threatens continued public access.

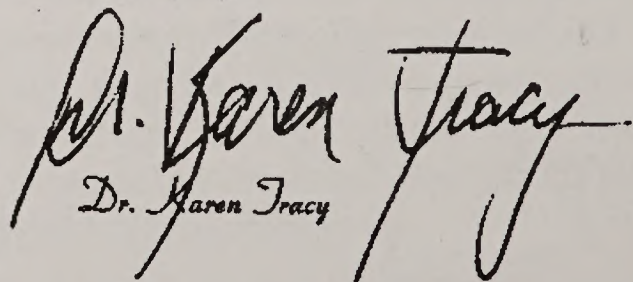
Lawmakers entrusted with these decisions did not have available to them previously written letters addressing user concerns. The warm springs in particular have no documented history of Timbisha usage. Look for yourself to the current records.

HU-01

At the very least passage of a Timbisha homeland proposal is wholly inappropriate until a General Management Plan for Death Valley National Park is completed. Untimely action by the National Park Service and Indian Affairs Committee has done little by way of accommodating the public. A 10 day originally extended comment period was lengthened 2 weeks to a 3-week period for locating all false ambiguous statements and getting the word out. Most concerned citizens did not receive Volume I of the LEIS in a timely manner and did not receive Vol. 2 at all.

E2-02

Respectfully,

  
Dr. Karen Tracy

cc: Representative Jerry Lewis  
Senator Diane Feinstein  
Senator Barbara Boxer





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

LEIS-229

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

Superintendent  
Death Valley National Park  
Post Office Box 579  
Death Valley, CA 92328

Dear Superintendent:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Legislative Environmental Impact Statement (LEIS) for the **Timbisha Shoshone Homeland**, Death Valley, California and Nevada (CEQ #000139). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act (CAA).

The proposed action is to authorize a permanent land base for the Timbisha Shoshone Tribe (Tribe) by transferring approximately 7,500 acres and by purchasing several privately held parcels of federal land in areas in and around Death Valley National Park. Land purchase and transfer would take place in both California and Nevada, and this land would be held in trust for the Tribe by the U.S. Secretary of the Interior. In addition, the proposed action calls for the development of cooperative agreements between the Tribe and the National Park Service, Bureau of Land Management, and U.S. Fish and Wildlife Service to allow tribal access to and use of certain lands of particular cultural and historical significance to the Tribe under cooperative agreements. A Preferred Alternative and a No Action Alternative are presented.

EPA supports the establishment of a permanent land base for the Timbisha Shoshone Tribe. We applaud the Tribe's commitment to ecologically sustainable development, especially at Furnace Creek, where this development will be used to strengthen public awareness of how communities can find a balance between the needs of living human cultures and concerns for environmental and resource protection. In addition, we support the creation of Timbisha Shoshone Tribal Cooperative Activity/Special Use Areas as a way of recognizing the common interests of the Tribe, the National Park Service, the Bureau of Land Management, and U.S. Fish and Wildlife Service in conserving and protecting the resources in these areas, as well as highlighting the role of the Tribe in Death Valley.

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We believe the project on the whole is beneficial and recognize that benefits have come from the government-to-government collaboration and cooperation undertaken in the development of this LEIS. However, we have significant concerns regarding the sufficiency of the LEIS as a public information document and decision-making tool. Because of the fragile desert ecosystem and limited water resources of the study area, we are also concerned about the environmental impacts of this project. We have rated this document EC-2, *Environmental Concerns-Insufficient Information*. Please see the enclosed rating sheet for further explanation of the rating system. E1D-01

Our rating is based on lack of information in the LEIS in two main areas, 1) reasonably foreseeable future development and 2) range of alternatives. EPA understands that the proposed action is the transfer of lands into trust status and not, specifically, the development of these lands. However, the transfer of these lands carries with it development rights, except in areas specifically identified as having development controls, such as within the National Park boundary. Since one of the purposes of the project is to establish a land base where the tribe can live permanently and govern its own affairs in a modern community, it is clear that development will occur. The LEIS specifically refers to residential development, commercial development, tourist-related development, and mining. In addition, gaming is an allowable activity on several of the parcels considered for transfer in trust. E1D-02

We strongly recommend modifying the LEIS to include tribal residential and economic development needs as a basis for understanding future development projections. Also, include a more thorough discussion of all reasonably foreseeable development that would occur on lands in trust. Much of this information is already included in the *Draft Secretarial Report* (Appendix S) and needs to be brought into the body of the LEIS. The environmental impacts of all reasonably foreseeable future development must also be addressed in the LEIS. In addition, it is crucial that the public and decision makers understand how the Preferred Alternative was determined, especially in light of the fact that no other alternatives are presented in the document. The "suitability criteria" for land selection outlined in the *Draft Secretarial Report* should be included in the body of the LEIS, and the various parcels considered for transfer in trust should be presented in comparative format against the "suitability criteria." If there are other parcels not included in the Preferred Alternative that meet Purpose & Need and the "suitability criteria," these parcels should be included as additional project alternatives. Presenting only a Preferred Alternative and a No Action Alternative undercuts both the spirit and intent of the NEPA process. E1D-03 P1-04

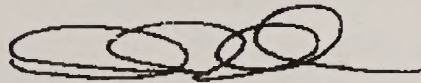
In closing, we are concerned about the potential negative environmental impacts of proposed development on the desert ecosystem. This LEIS is not the appropriate place for a complete environmental analysis of all proposed development. However, action under this LEIS confers future development rights. We, therefore, strongly urge the National Park Service, Bureau of Land Management, U.S. Fish and Wildlife Service, the Tribe, and the other Cooperating Agencies to commit to developing a comprehensive plan for the lands in trust and to E1D-05



include that commitment in the Record of Decision (ROD). Please see the attached list of detailed comments for more specific recommendations.

We appreciate the opportunity to review this Draft LEIS. When the Final LEIS is completed, please send two copies to me at the address above. If you have any questions or comments, please feel free to contact me or Nova Blazej, the primary staff person working on this project. Nova Blazej can be reached at 415-744-2089 or [blazej.nova@epa.gov](mailto:blazej.nova@epa.gov).

Sincerely,



David J. Farrel, Chief  
Federal Activities Office

Attachments:      Summary of EPA Rating Definitions  
                         Detailed Comments



## SUMMARY OF EPA RATING DEFINITIONS

The rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

### ENVIRONMENTAL IMPACT OF THE ACTION

#### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### ADEQUACY OF THE IMPACT STATEMENT

#### *Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."



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**U.S. EPA DETAILED COMMENTS**  
**DRAFT LEGISLATIVE EIS: TIMBISHA SHOSHONE HOMELAND**

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**REASONABLY FORESEEABLE FUTURE DEVELOPMENT**

The LEIS states, "The analysis is limited to the Proposed Action of land transfer in trust and does not address in detail future uses or activities subject to futures cooperative agreements" (p. i). However, the selection of appropriate lands for transfer in trust is, in the case of a number of parcels, directly dependent on the suitability of those lands for development, as implied in Section 2.4 of the document. The LEIS must provide enough detail on the scope of reasonably foreseeable future development so that the environmental impacts of the development associated with land transfer can be clearly stated. Providing information on this development is particularly important because of the fragile desert ecosystem and limited water resources of the study area, which may be significantly impacted by development. EPA understands that the action proposed is the *transfer* of lands, not, specifically, the development of lands. Nonetheless, the transfer of lands cannot be de-coupled from the reasonably foreseeable future development of those lands (See CEQA Regulations on "indirect effects" §1508.7). To adequately evaluate the environmental impacts of the proposed action, the LEIS must disclose to the public all reasonable foreseeable future development for the proposed trust lands.

- ▶ *Recommendation:* The scope of development on the lands in trust is driven by the housing and economic development needs of the Tribe. In the Purpose & Need statement, include the projected housing and economic development needs of the Tribe. E1D-06
- ▶ *Recommendation:* Because of the significant environmental impacts of mining, the LEIS must include a more thorough discussion of planned or anticipated mining activities. Currently, only parenthetical mention is made regarding mining activities on land in trust, and there is no indication of what type of mining will occur or where it will occur (referenced in numerous places in the document, e.g. p.vi). MG-07
- ▶ *Recommendation:* Provide a consistent level of detail on the scope of development anticipated on the various parcels under consideration for transfer. For example, residential development anticipated at Furnace Creek is between 1 and 50 single-family homes and the extent of commercial development is generally outlined (p. 14). Please provide the same level of detail to address: E1H-08
  - Indian Rancheria: The LEIS states, "The level of use is envisioned to be residential at approximately the same level that has existed in the past" (p. 14). Clarify the extent of this level of development.
  - Mesquite Springs and Daylight Pass: The LEIS states, "For the purposes of this LEIS, uses have not been defined concerning Mesquite Springs and



Daylight Pass" (p.17). However, the *Draft Secretarial Report* (Appendix S, p.27) states that the Tribe is interested in low-impact economic development at either Daylight Pass or Mesquite Springs. Include this information in the discussion of the Preferred Alternative.

- Centennial: The LEIS states, "The land parcel would be used for residences and possibly small-scale economic development" (p. 17). Describe the number and type of residences expected and define "small-scale economic development."

E1D-09

- Death Valley Junction/Scotty's Junction/Lida Community Parcel: The LEIS states, "It is anticipated that the land would be used for single-family residences and small-scale economic development" (p. 17, 18). Describe the number of single-family residences expected and define "small-scale economic development."

E1D-10

- Lida Ranch: Anticipated uses are not described for Lida Ranch in the discussion of the Preferred Alternative (p. 18). However, the *Draft Secretarial Report* (Appendix S, p.39, 42) states that Lida Ranch has the most potential for future tribal development outside Furnace Creek. Include a discussion of foreseeable future development at Lida Ranch in the discussion of the Preferred Alternative.

E1D-11

- Recommendation: The *Draft Secretarial Report* (Appendix S, p.13-14) includes a discussion of the allowances for and the prohibitions against gaming on the various lands proposed for transfer. Include this information in the discussion of the scope of foreseeable future development on lands in trust.

MG-12

- Recommendation: Because any development planned for the lands in trust would occur on fragile desert ecosystems and would potentially impact endangered species habitat and limited water resources, EPA strongly urges the Tribe and Federal agencies to commit to develop a comprehensive plan for the Timbisha Shoshone Homeland in the LEIS and to include that commitment in the Record of Decision (ROD).

E1D-13

## RANGE OF ALTERNATIVES

NEPA Sec. 102 [42 USC § 4332] (A)(iii) states that the EIS shall include Alternatives to the Proposed Action. In addition, 40 C.F.R. 1502.14(a) and Forty Questions No.2(a) requires the EIS to examine all reasonable alternatives to the proposal. In determining the scope of alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative.



Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant (Forty Questions, No.2(a)).

The LEIS presents only the Preferred Alternative and a No Action Alternative. A full range of alternatives is not included in the LEIS. The document states, "Because the process has been progressive, resulting in a proposal involving specific lands and activities within the Timbisha Shoshone ancestral homeland, other Action Alternatives were not brought forward for detailed analysis in this LEIS" (p. 22). However, a progressive process involving specific lands and activities is not a unique process in project development, and utilization of a progressive process does not preclude the need to clearly present a range of alternatives and the criteria used to select those alternatives.

P1-14

The alternatives analysis is the heart of a NEPA document. A full range of alternatives should be presented in a comparative format that allows the decision maker and the public to review all possible alternatives and to weigh them on their own merits. Eliminating all other alternatives from consideration before those alternatives are fully explored in the NEPA document leaves the decision maker and the public with only partial information. EPA believes that the presentation of the Preferred Alternative does not persuasively demonstrate that it is the sole alternative capable of meeting the purpose and need.

- **Recommendation:** In the LEIS, include the criteria that were used to select and screen parcels considered for transfer. These criteria are found in the *Draft Secretarial Report* (Appendix S, p.3) under "Suitability Criteria Used in the Study Process" but are not included in the body of the LEIS. Include this list of suitability criteria in Section 2.0 of the LEIS. E1H-15
- **Recommendation:** To assist the public and decision makers understand how parcels were selected and rejected, use a comparative format to illustrate how some parcels meet the suitability criteria and others do not. If unique criteria were applied to NPS, BLM, and USFW land, state that too. Since areas planned for residential and economic development and areas planned as Special Use/Cooperative Activity Areas have different suitability requirements, NPS and the Cooperating Agencies may want to consider separating these two land use types and using a tabular format. For example: E1H-16

TRIBAL COMMUNITY & ECONOMIC DEVELOPMENT LANDS			
	availability of water	availability	potential for sustainable trial development
Parcel X	YES	YES	YES
Parcel Y	YES	NO	NO



- *Recommendation:* If there are parcels that satisfy Purpose & Need and meet the suitability criteria but are not included in the Preferred Alternative, present these parcels as other Alternatives.

## DESCRIPTION OF ENVIRONMENT & AFFECTED RESOURCES

The LEIS indicates that geology, noise, transportation, visual resources, and air quality are "concerns that would not be appreciably affected by alternative actions" and they "were eliminated from further consideration" (p.25). It is not clear how this determination was made, as some proposed uses, such as single-family residences and economic development, conceivably, would have impacts.

E1H-17

- *Recommendation:* Clearly identify the rationale and provide justification for excluding these concerns from further analyses and consideration.

## WASTE MANAGEMENT

Section 3.4.3. "Economy and Employment" (p.55) does not mention that there is a permitted hazardous waste landfill, U.S. Ecology, near Beatty, Nevada nor does it mention the associated hazardous waste transportation across this area. In general, the LEIS does not discuss any hazardous waste management activities in the study area.

- *Recommendation:* Include the U.S. Ecology hazardous waste landfill and associated hazardous waste transportation in Section 3.4.3.

E1H-18

- *Recommendation:* In the LEIS include a discussion of contaminants issues and waste management in the study area. This discussion should include both solid and hazardous waste management.

E1H-19

## TEXT CLARIFICATIONS

### Table 12: Common Wildlife Species

Table 12 is unclear with respect to Federal "Species of Concern" and California Department of Fish and Game "Sensitive Community," as the same abbreviation, "SC" is used for both categories.

WL-20

### Water Resources

The LEIS states that anticipated annual water use at Furnace Creek is projected to be 92 acre-feet per year (p.88). Clarify whether this is the cumulative annual water use of all users in the area – AmFac, NPS, and the Tribe – or if this is the annual water use of the Tribe alone.

DV-21



Appendix Citation

In Section 2.4 the *Draft Secretarial Report* is referenced as being located in both Appendix B and Appendix C (p.22). In fact, the *Draft Secretarial Report* is located in Appendix S. E1G-22





LEIS-230

**Saline Preservation Association P.O. Box 1603 Inyokern, CA 93527**

---

Dick Martin, Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

August 21, 2000

Dear Mr. Martin,

Enclosed is the position statement of Saline Preservation Association (SPA) concerning the Timbisha Homeland proposal, the accompanying Legislative Environmental Impact Statement (LEIS), and Senate Bill S. 2102.

The following are the main points made in this statement:

**LEIS:** Although SPA has no objections to many of the provisions of the Timbisha Homeland Proposal, it must endorse the No Action alternative for the LEIS. SPA proposes that a complete and accurate Environmental Impact Statement be done before passage of the proposed legislation. E1D-01

**FURNACE CREEK:** SPA supports the concept of establishing a tribal homeland for the Timbisha Shoshone Tribe. It endorses the creation of a reservation and Tribal center at Furnace Creek.

**SALINE VALLEY:** Privately owned parcels should not be purchased to create an Indian Rancheria in Saline Valley.

The Desert Protection Act does not mandate any co-management agreement between the Tribe and NPS for Saline Valley Warm Springs. Priority in co-management must not be accorded to the Tribe, but to the broader user community, who have developed and maintained the springs for generations. M1-02

SPA opposes any temporary closure of the Lower Warm Springs or Palm Springs for the benefit of the Tribe, or of any group, that would not be available to other similar groups. Closure of the unimproved Upper Warm Springs for brief periods to accommodate activities of any special interest group should only be done with adequate notice to the public, and limited to that area. SV-03

**NATURAL AND CULTURAL PRESERVATION AREA:** The provision for a Natural and Cultural Preservation area, with concomitant co-management agreements between NPS and the Tribe, should be dropped from the Bill. E1H-04



**CENTENNIAL FLAT:** The Centennial Flat parcel should be dropped from the proposed legislation. The LEIS failed to demonstrate that development of this parcel would not produce unacceptable impacts on the environment, including plant, wildlife, and human communities. E1H-05

E1D-06

**RESOLUTION OF CONFLICTS:** Because an inadequate LEIS was done, little is known about potential impacts that may arise from the proposed transfer of land and water rights, and subsequent development by the Tribe. The Department of the Interior should provide an adequate mechanism for redress of grievances in the event that unforeseen damages and conflicts ensue upon implementation of the proposed legislation and subsequent development.

Please consider these points in your deliberations on the LEIS and S. 2102.

Sincerely,

The Saline Preservation Association Board of Directors

CC: California and Nevada Congressional Delegation



**Saline Preservation Association  
POSITION STATEMENT ON SENATE BILL S. 2102  
AND TIMBISHA HOMELAND LEIS**

The Saline Preservation Association (SPA) is a membership organization comprising some 2000 members who visit Saline Valley Warm Springs. SPA's stated mission is "protection, preservation and conservation of the valley to include geology, wildlife habitat, archeology, and a traditional human presence that emphasizes responsible individual freedom of choice."

The Timbisha Shoshone Tribal Homeland Proposal, now embodied in legislation as Senate Bill S. 2102, will affect public use and access at Saline Valley Warm Springs. For decades the Springs have been developed and maintained by their large community of visitors. The Timbisha bill also proposes other governmental actions that would affect Saline Valley, Hunter Mountain, and Death Valley National Park, of which Saline Valley is now a part. It also would enact transfers of public lands that, while lying outside the ordinary area of concern to SPA, could have detrimental impacts on nearby desert lands and their inhabitants, many of whom visit the Saline Valley.

Because SPA is a large organization whose members share common concerns about preserving the quality of the desert environment and the experience of visitors, it has prepared the following position statement concerning the Timbisha Homeland proposal, the accompanying Legislative Environmental Impact Statement (LEIS), and Senate Bill S. 2102. We hope that our members will find it helpful in approaching their Congressional Representatives with their comments and suggestions about the proposed legislation.

**LEIS:**

SPA proposes that a complete and accurate Environmental Impact Statement (EIS) be done on the Timbisha Homeland proposal. P1-07

Rather than do a complete EIS, the authoring agencies chose to do a Legislative Environmental Impact Statement (LEIS), thus bypassing many requirements of stringent NEPA review and public process. The existing LEIS was hastily prepared and is seriously flawed. It contains many inconsistencies, factual errors, and misleading statements. No real science was done to determine potential environmental impacts of the land transfers and other legislative actions. The LEIS purports only to evaluate the impact of transferring lands from one government agency to another, alleging that specific development plans for the respective parcels are unknown. E1G-08

After the LEIS was issued, an amendment was added to Senate Bill S. 2102, spelling out reserved water rights for each of the transfer parcels. Now that minimum groundwater allotments are known, a full EIS should be done to determine potential impacts from these amounts of groundwater withdrawals. More specific details on water use should be spelled out in the EIS, including how much recharge will be allowed to preserve the respective ecosystems. W2-09



No current inventory of plant and animal species was done for the LEIS, which drew selectively from existing documents. Only a cursory, token survey was done on the ground, during a time of year when it was impossible to observe most species. Before these lands are transferred to the BIA in trust for the Tribe, a thorough study of potentially impacted species should be done. E1D-10

Although SPA has no objections to many of the provisions of the Timbisha Homeland Proposal, it must endorse the No Action alternative for the LEIS.

#### **FURNACE CREEK:**

SPA endorses the creation of a reservation and Tribal center at Furnace Creek.

SPA supports the concept of establishing a tribal homeland for the Timbisha Shoshone Tribe, formerly the Panamint Shoshone, who for many years have been dislocated from their ancestral home in Death Valley and the adjoining mountain ranges. SPA endorses the transfer of land and water rights at Furnace Creek as described in the legislation.

The Tribe should also have the option of taking over any water rights, locations, and facilities vacated by the federal government if NPS in the future should move its administrative offices and staff housing out of the Park. In particular, the Tribe should have the option of resuming occupancy of Cow Creek, where they formerly lived.

#### **SALINE VALLEY:**

Indian Rancheria: Privately owned parcels should not be purchased to create an Indian Rancheria in Saline Valley.

The two parcels in question, which are not identified in the Timbisha Homeland proposal, the LEIS, or S. 2102, are currently privately owned. They comprised Indian allotments around the turn of the twentieth century, but the Indian owners willingly sold these parcels. The present owners were not approached prior to the writing of the Timbisha Homeland proposal, and at least one owner has notified the National Park Service that she is not a willing seller.

On July 11, 2000, the Inyo County Board of Supervisors unanimously passed Resolution No. 2000-14, opposing the transfer of private lands in Inyo County to federal government control. The Resolution also expressed concerns about increased demands for County services that might arise from development in this remote location. SE-11

If lands held by the Bureau of Indian Affairs (BIA) are used to create the proposed Rancheria, no permanent settlement should be established that would require increased County services. In keeping with the remote nature of Saline Valley, no commercial development or public services should be established on this property, and road maintenance should be kept at the present level. Because darkness and silence are among the priceless resources in Saline Valley, increased levels of lighting and traffic should be discouraged. SV-12

Saline Valley Warm Springs: The Desert Protection Act does not mandate any co-



management agreement between the Tribe and NPS for Saline Valley Warm Springs. Priority in co-management must not be accorded to the Tribe, but to the broader user community, who have developed and maintained the springs for generations.

There is no historical documentation that the Warm Springs were used by the Tribe for healing and spiritual activities. The only documented aboriginal use of this area was for hunting blinds. The only documentation in the Timbisha Proposal or the LEIS of the Tribe's claims to an historical interest in the springs is a report by Catherine Fowler that is not available for public scrutiny. The only source cited in this report for Tribal use of the Springs is an interview with Pauline Esteves, current Tribal Chairperson. HU-13

The Timbisha Tribe have never been excluded from using the Springs except by their own choice. SPA's stated policy is to "promote an atmosphere of welcome to all visitors while communicating the valley's traditional lifestyle to newcomers." The Tribe asserts that current use patterns at the Springs are inconsistent with Tribal values. It is not the policy of SPA, nor of the National Park Service, to endorse or impose any cultural, religious, or other values on users of the Springs.

SPA currently has pending an MOU with NPS for maintenance and caretaking activities at the springs. Any co-management agreement between NPS and the Timbisha Tribe should recognize and include SPA as a partner.

SPA opposes any temporary closure of the Lower Warm Springs or Palm Springs for the benefit of the Tribe, or of any group, that would not be available to other similar groups. Closure of the unimproved Upper Warm Springs for brief periods to accommodate activities of any special interest group should only be done with adequate notice to the public, and limited to that area. SV-14

SPA is in agreement with the Inyo County Board of Supervisors, who, in Resolution No. 2000-14, endorse "continued public use and access to Saline Valley Hot Springs while protecting cultural and historic resources and uses at this site."

#### **NATURAL AND CULTURAL PRESERVATION AREA:**

The provision for a Natural and Cultural Preservation area, with concomitant co-management agreements between NPS and the Tribe, should be dropped from the Bill.

Such an area, and such co-management arrangements, are nowhere mandated in Section 705(b) of the Desert Protection Act. Establishing such an area would create an unacceptable precedent for the National Park System. It is not the purpose of our National Parks to promote or preserve the cultural heritage of any one group, nor to give over resource management to an Indian tribe. It is not appropriate for Congress to mandate this permanent change in resource management methods. The Timbisha Tribe's resource management policies are undefined and may be in conflict with those of the Park Service. The Tribe has not demonstrated a capacity, competence, nor even an interest (according to the Tribal Needs Assessment) in carrying out such traditional resource management on the scale indicated in the proposed legislation. Turning over the management of sensitive desert riparian areas, as proposed in the legislation, is very M1-15



unwise policy, and might establish unacceptable precedents for future National Park management.

The Tribe might work with NPS to develop informational kiosks, museum exhibits, or other displays educating the public about the Indian heritage of this area, but no special co-management arrangements should be made exclusively between the Tribe and NPS. Closure of specific areas for Tribal activities might be permitted for short periods of time, but only with adequate notice of such closures, so that visitors to the Park are not endangered or inconvenienced.

Special access to Hunter Mountain should not be granted to the Timbisha Tribe. Hunter Mountain was also important to other tribes in the area. No traditional camps should be established that would violate the provisions of the Wilderness Act.

E1H-16

SPA opposes Paragraph 5.e.4.c of S. 2102, which designates 1.5 million acres as a Natural and Cultural Preservation Area. Nonetheless, SPA completely supports the Tribe's right to use its traditional resources, and to participate, as members of the public, in influencing resource management decisions on public lands.

#### **CENTENNIAL FLAT:**

The Centennial Flat parcel should be dropped from the proposed legislation. The LEIS failed to demonstrate that development of this parcel would not produce unacceptable impacts on the environment, including plant, wildlife, and human communities.

It has not been demonstrated that 10 acre feet/year of groundwater is available at Centennial Flat. The supplemental Technical Report dated 7/19/2000 does not resolve any of the questions that have been raised about water availability or impacts of development.

W2-17

Inyo County Resolution No. 2000-14 states that "a thorough hydrological characterization should be developed to ensure that the water supply for Darwin from Coso Cold Springs is not adversely impacted by this proposal." Thus far, a possible hydrologic connection with Darwin's source spring has not been adequately evaluated. A 1980 hydrology report on Coso Cold Spring, commissioned by Inyo County for the Darwin Community Services District, indicates an extensive joint and fracture system in the adjacent granitic rocks. Isotope studies could determine whether there is a connection between Centennial Flat water sources and Coso Cold Spring, but these have not been done.

The impact of withdrawing 10 acre feet/year of groundwater at Centennial Flat has not been evaluated. Potential impacts other than Darwin's water source could include: Black Rock and Lower Centennial Springs; other springs in the Cosos; Owens Lake and its dust problem; wildlife dependent on the Coso springs and on Owens Lake riparian areas.

W2-18

Centennial Flat is a virtually undisturbed high desert basin. It is not worth destroying this natural treasure to build the small number of homes and commercial operation the Timbisha say they want to put there, with the attendant infrastructure, bulldozing, light pollution, vehicle pollution, and demands on County resources.



**RESOLUTION OF CONFLICTS:**

Because an inadequate LEIS was done, little is known about potential impacts that may arise from the proposed transfer of land and water rights, and subsequent development by the Tribe. Because this legislation was drafted by the Department of the Interior, the Department should provide an adequate mechanism for redress of grievances in the event that unforeseen damages and conflicts ensue upon implementation of the proposed legislation and subsequent development. W2-19

Any perceived negative impact on Park resources, or on any other resources or water rights, as a result of withdrawals of groundwater on tribal trust lands, must be remedied through binding arbitration, with all legal costs to both parties to be borne by the Department of Interior.

**CONCLUSION:**

SPA respectfully requests that legislators, Department of Interior agencies and personnel, and members of the Timbisha Tribe carefully consider the concerns expressed in this Position Statement. We request that a further, more complete Environmental Impact Study be done before passage of Senate Bill S. 2102, and that the Bill be amended as suggested herein.

Saline Preservation Association

Date 8/21/2000



TO: Superintendent, Death Valley National Park, Death Valley, Calif. 92328

Comments on Draft Legislative Environmental Impact Statement  
Timbisha Shoshone Homeland

LEIS-231

I would like to state my support for the creation, in trust, of a Timbisha tribal land base, within their ancestral homelands, in Death Valley National Park.

I do however disapprove of the release of any land in the Centennial Flats area and in particular object to the issue of the recurring inclusion of the Centennial Flats parcel in this legislation even after considerable public concern and opposition. There is not enough concrete scientific evidence to assure that significant environment damage would not occur if any parcel in this area is released. Also, that the inclusion of the Centennial Flats parcel does not meet the purpose of the proposed action. Specifically it would not "ensure that resources inside and outside the boundaries of Death Valley National Park are protected and enhanced by activities within, etc" (Draft LEIS-p4, para 6) and provide a "setting for desert exploration, discovery, and solitude" (CDPA). It is my contention that any development in the Centennial Flats area will degrade that area, for future generations of ALL Americans, by precluding any public review or input after transfer of lands in trust to the Timbisha Tribe and recommend that it be removed from further consideration. E1H-01

Furthermore, that the Draft LEIS is defective in its current form as a factual and accurate document for release with the above legislation and on to CEQ. The document at best needs a through review by the cooperating agencies to correct contradictory statements many of which are outlined with comments below, but are limited to the Centennial Flats parcel. It is possible that this is due in part to time and personnel constraints or the number of iterations that the draft has gone through. E1G-02

There was not enough time allowed for data collection and evaluation or public review and comment. The US Senate had already passed the bill and it was going through the House before the comment period ended with relevant data still being presented or in the process of acquisition. This has caused many people to question the intent and legitimacy of the LEIS process.

Public involvement was flawed as copies of the Draft LEIS were not made available to the libraries in Lone Pine or Independence. (Draft-p6, para5). P4-03

The BLM web site address was misprinted as <http://3333.iwvisp.com/blm/report> and was not corrected in the local Inyo County newspaper. E1H-04

The Internet response requirement "submit Internet comments as an ASCII file" is not reasonable. Many people that use e-mail have no idea what an ASCII file is.

A crucial part of the Appendices (11 pages of Appendix E - "Overview of Water Rights") were not included in the Draft causing recipients not to have a complete copy for review and in addition many of the people, listed on the "Distribution List" (Draft-Sec 7, p120-130) receiving the Draft LEIS, were not notified of the error and did not receive the missing portion of the Draft. Those people that became aware of this error had to acquire it by mail from NPS. E1G-05

Pages in the Appendices and some other parts of the Draft were not numbered for reference purposes which has made responses to this document difficult to prepare.

It is also my opinion that the spirit and purpose of NEPA and CDPA were not followed in the preparation of this document. In particular 42 U.S.C.A. 4332 / NEPA - 102 (C.) There is no documentation of responses from many "local agencies which are authorized to develop and enforce environmental standards". P4-06

The remainder of this comment itemizes problems with the above named legislative document as to methodology, content, contradictory statements, intent, and most refer in particular, to items specific to the Centennial Flats parcel.



## Outline of Concerns:

- 1) Centennial Flats site selection
- 2) Geography
- 3) History
- 4) Cultural resources
- 5) Flora and Fauna
- 6) Hydrology
- 7) Water Rights
- 8) Development
- 9) Visual Resources
- 10) Other impacts.
- 11) Misc. provisions

References are noted as D=Draft w/ page and paragraph. A=Appendices w/letter, page, and paragraph. Comments are italicized.

### 1) Centennial Flats site selection

Centennial Flats was previously excluded from this proposed action. (D-p22, para 4-7)  
*Many of the same reasons for exclusion still exist including possible withdrawal by the City of Los Angeles-DWP*

Centennial Flat was selected by tribal members as a potential site for again being included in the proposed action. (D-p32, para 1)  
*Even though there were no cultural resources found at this site it was again included in the proposed action. Tribal use of this parcel for cultural purposes, if indeed they exist, could be done by permit and not by release of land and exclusion of access to this parcel by the public.*

Centennial parcel is an important location --- in view of Hunter Mountain. (D-p17, para 6) E1H-07  
*The site is not in view of Hunter Mountain. The "sacred relationship between Hunter Mt. and the valley floors below" must refer to Saline and Panamint Valleys not Centennial Flats.*

### 2) Geography

Location of parcel is incorrect as to distance from State Route 190. (D-p32, para 1) E1G-08  
*The northern boundary of the parcel is less than 3 miles from State Route 190, is in full view of passing traffic, and easily accessed by automobile. Correct description is @ (D-p46, para 4)*

There is no topographic map or reference to a correct map other than a vague description and distance from a previous location and a legal description which is not generally understood by the public. (D-p17, para6) E1G-09  
*This adds further confusion as to the exact location of the parcel.*

The Centennial Flats parcel is designated as BLM WILDERNESS. (D-p62, para 1) E1G-10  
*The same reasons still exist for the Centennial Flats parcel to be excluded. (D-p22, para 4-7)*

The Centennial Flats parcel is previously undisturbed. (D-p85, para 6)  
*Parcel should remain undisturbed.*



### 3) History

Shoshone tribe members may have spent the winter at Centennial Flat (D-p31, para 7) HU-11  
*This is speculative and is contradicted by the nonexistence of cultural resources found at the proposed Centennial parcel. (D-p32, para 1). See definition below.*

The Shoshone lived and gathered resources primarily in other areas than Centennial Flats.  
(D-p26, para 5), (D-p27, para 1&2), (D-p28, para 1&2), (D-p29, para 2, 3,&4), (D-p30, para 1,2,&3), (D-p31, para 1), (D-p32, para 2,4,&5)

The Coso/Little Lake Shoshone according to Steward 1938. (D-p31, para 4,5,&6) *None of the references are related to the Timbisha. Their ranges were not as far west as Centennial Flats.* HU-12

### 4) Cultural resources

Definition of cultural resources. (D-p26, para 2)

Centennial Flat was selected by tribal members as a potential site for again being included in the proposed action. (D-p32, para 1)

*Even though there were no cultural resources found at this site it is again included in the proposed action. Tribal use of this parcel for cultural purposes, if indeed they exist, could be done by permit and not by release of land*

### 5) Flora and Fauna

Methodology is not adequate to properly identify threatened or endangered species of plants.  
(D-p66, para 2 and Table 10) E1G-13

*There is no reference as to whom conducted on site surveys and a winter (seasonably limited) survey of the Centennial Flats parcel does not show good faith in preservation of special status plants.*

No special status species observed at "Lower Centennial Flats" (D-pp70, para 4) *The potential for special status plants still exists. (Table 10) Is this even the correct parcel?*

Methodology is not adequate to properly identify threatened or endangered species of plants.  
(D-p75, para 4 and Table 11) *There is no reference as to whom conducted on site surveys and a winter (seasonably limited) survey of the Centennial Flats parcel does not show good faith in preservation of special status wildlife or their habitat..*

No special status species observed at Centennial Flats (D-p70, para 4) *The potential for special status wildlife still exists. (Table 12 and D-p78, para 4&5)* WL-14

Mojave ground squirrel habitat range is only as far "north" as Lee Flat. (D-p83, para 2&3) WL-15  
*Lee Flat is north and east of the Centennial Flats parcel less than 10 miles. This also contradicts (D-p74, para 6).*

Loss of plant communities and habitat. (D-p97, para 1)  
*Fragmentation and habitat degradation should be unacceptable on lands already designated as wilderness.*

Nelson bighorn sheep were omitted from expected Centennial Flats wildlife list. (D-Table 11, p2) E1G-16  
*This contradicts statement located in (D-p101, para2)*



## 6) Hydrology

The Centennial Flats parcel overlies the Owens Lake groundwater flow system. (D-p35, para 2) and (D-p37, para 1)

Groundwater resources are not yet determined and are generally not well known. (D-p46, para 3) and (A-R, p1)

*Residential and/or commercial water use from this area could cause decreased flows to the riparian springs and seeps bordering the Owens Lake playa and cause significant environmental damage.*

Total water outflow from Black Rock and Centennial Springs are not specified. (D-p46, para 3)

*Water rights are listed at 2.97 acre feet per year of poor quality i.e. non potable and would require treatment at taxpayers expense. Is the intent to take all the available water?*

W2-17

*Spring flow data for some of the surrounding springs was available from the Navy at China Lake and was not included in the Draft.*

## 7) Water Rights

Federal water rights in respect to all wilderness areas under CDPA 1994, Sec. 706, "to fulfill the purpose of this act". (D-p37, para 5)

*At Centennial this seems that this would be a taking of water no matter what the previous use was to establish two residences and a possible commercial enterprise with no guarantee that more development would not occur.*

California water rights regarding percolating groundwater appropriated for use on non-overlying lands". (D-p38, para 7 and p39, para 1)

*The Centennial Flats parcel overlies the Owens Lake groundwater flow system. (D-p35, para 2) and (D-p37, para 1)*

E1G-18

Darwin Community Water District water rights are not specifically addressed. (D-p46, para 4&5)

*11 pages of Appendix E - "Overview of Water Rights" were not included in the Draft causing recipients not to have a complete copy for review.*

Groundwater resources are not yet determined and are generally not well known. (D-p46, para 3) and (A-R, p1)

Geologic and hydrologic data do not support the concern that the Darwin "wells" will be affected by water use at the Centennial Flats parcel. (D-p89, para 4)

*Shows a lack of a proper hydrologic evaluation. There are no "wells" in Darwin. The primary water source for the town is a spring south east of the Centennial Flats parcel. Additionally a geotechnical report of the Darwin water source was readily available, if only asked for, through the Darwin Community Services District or through the County of Inyo. This report also raises new questions about the reliability of the Draft LEIS evaluation of the Geology of the area.*

E1G-19

Water resources are available from groundwater. (D-p89, para 4)

W2-20

*This is speculative at best and still doesn't address water rights in Darwin or riparian areas along the southern shore of Owens Lake. (D-p46, para 3) and (A-R, p1)*

Special status wildlife occurs on or near the Centennial Flats parcel. (D-p78, para 4&5, Tables 11 & 12)

*Water diversions from Black Rock and Centennial Springs would compromise local watering areas for special status wildlife. There are also conflicting distances (2 - 2.5 miles) to Black Rock Spring.*



Drawdown of ground water up gradient of riparian areas is not quantifiable without specific development plans. (D-p97, para 1)

*Groundwater extraction could affect springs miles away on the Owens Lake playa. (D-p35, para 2) and (D-p37, para 1). There will be no further public review as to the type and quanta of development once the land is transferred due to the separate nation status of Indian tribes This could include gaming and possible construction of a casino at this location under 25 U.S.C. - 2719 (b) (1) (B) (ii). (A-S,p49, para 3)* E1H-21

#### 8) Development

The land parcel would be used for residences and possibly small scale economic development. (D-p17, para6)

*Contradicts government officials public statements that no commercial development would occur on the Centennial Flats parcel.*

Water resources are available from groundwater. (D-p89, para 4)

*This is speculative. (A-R , p1) and the additional report by Harding Lawson Associates was merely an update of information already addressed in the draft and is still inconclusive.*

Centennial Parcel could be used for residential and small scale commercial economic activities. (D-p93, para 6)

*Contradicts government officials public comments and this could include a gambling casino as stated in local newspaper articles.* MG-22

Distance of this parcel from State Route 190 would make economic development difficult and carry some risk (D-p93, para 6)

*The northern boundary of the parcel is less than 3 miles from State Route 190, is in full view of passing traffic, and easily accessed by automobile. Hardly anything to deter a gambler after traveling through the Park where gambling is prohibited. (A-S, p49, para 3 and p50, para 1)* MG-23

Demand for public services. (D-p93, para 7)

*This is not factual if in fact the underlying purpose of acquiring this parcel is in fact the establishment of a casino in addition to residential purposes. Please note "typo" where water seems to be added as an afterthought.* SE-24

Military over flights from China Lake Naval Air Weapons Station may introduce occasional brief but loud noise conditions to residents on the Centennial parcel. (D-p95, para 7)

*Author of this statement has never experienced hours of simulated dog fighting in this area or power line level over flights approaching Mach 1.*

Drawdown of ground water up gradient of riparian areas is not quantifiable without specific development plans. (D-p97, para 1)

*Groundwater extraction could affect springs miles away.*

Centennial parcel is part of the "Centennial Wild Horse Herd Management Area. (D-101, para 1) This is one of the original reasons for excluding this area from this proposal. (D-p22, para 4-7)

Migration of Nelson bighorn sheep not to be affected by residential development at Centennial parcel. (D-p101, para 2)

*Any development on this parcel might interfere with migration patterns. Dogs and noise are a major problem with Bighorn sheep and shows this issue was not adequately researched.*



## 9) Visual Resources

There are no public trails, campgrounds, backcountry roads, or scenic lookouts in the Centennial area that overlook the site. (A-N, p5, para4)

*This is a false statement! Due to the distance that objects are visible in desert environments, especially at night, any development at the Centennial Flats parcel will be visible from areas as far away as Whitney Portal Road, Cottonwood Meadows Road, Onion Valley Road, and portions of Pacific Crest Trail, John Muir Trail, Sequoia National Park, Golden Trout Wilderness, John Muir Wilderness, and many of the trail heads south of Independence. Anyplace along Highway 190 in Centennial Flats is a scenic lookout with awesome views of most of the highest peaks of the Sierra Nevada Mountains. There are also many 4X4 roads in the area that overlook the site.* NS-25

Transfer of lands into trust would not substantially affect visual resources. (D-p86, para1).  
*Any development would degrade the visual resources at Centennial Flats and it is one of the last small scenic basins left in the California desert with out residential or commercial development.*

Light pollution from development of the Centennial parcel was not addressed at all. NS-26  
*The Centennial parcel is one of the last easily accessible areas in the Eastern Sierra without light pollution and is regularly used by local and other area amateur astronomers.*

## 10) Other impacts

There was no quantitative data presented for noise levels for over flights of military aircraft, current air quality, or seismic hazards at the Centennial Flats parcel.

*Seismic data presented was regional in nature and should have been site specific. There have been 31 earthquakes greater than Mag 3 within a 20 km radius of the Centennial Flats parcel since 1936. Site specific seismic hazards were readily available in less than 10 minutes from the following URL <http://geohazards.cr.usgs.gov/eq/html/canvmap.shtml>.* E1G-27

## 11) Miscellaneous Provisions

*Exclusive rights to camp and gather natural resources at Hunter Mountain to the exclusion of other Native American tribes, from the Owens Valley, that have traditionally have used that area, is not a good example of environmental justice.*

Preferential hiring of tribal members as far as practicable (A-G, sec. 7, (a))  
*This may be illegal under EEOC rules and might incite law suits by other special interest groups.*

Omission of the fact that that gaming is allowed on BLM land transfers. (A-G, sec. 7, (b))  
*The Centennial parcel qualifies for gaming. (A-S, p49, para 3 and p50, para 1)*

Tribal jurisdiction over tribal lands exemption after three years. (A-G, sec. 7, (d))  
*There are no references as to what these codes are for in the LEIS or the Appendices.*

Submitted by: Earl Wilson , POB 830, Lone Pine, Calif., 93545



26937 Hayward Blvd.  
Hayward, CA 94542  
August 21, 2000

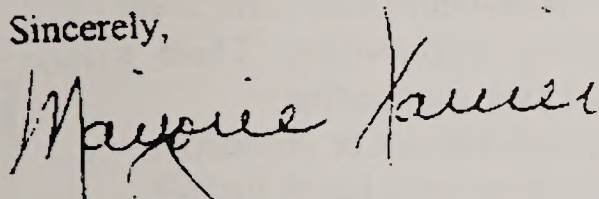
LEIS-232

Superintendent,  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

Dear Superintendent:

I am writing to support the granting of trust land to the Timbisha Shoshone Tribe as described in the Draft EIS. I strongly support the trust process in order for the Timbisha people to maintain their ancestral homes at Furnace Creek where they could share in the economic benefits of this area of tourism; the tribe has suffered under the past arrangement while the new proposal is visionary and benefits all, Native Americans and non-Native Americans: the tribe should have a cultural and management role in their ancestral land; there should be an equal relationship between the tribe and the National Park Service; interpretation of Timbisha life and resource management should be included in Death Valley interpretation to the public; Timbisha culture and ecology must take its place in co-operative tribal National Park Service management. In addition, I would urge that the park's name be changed from Death Valley to Timbisha National Park to recognize and honor its original people.

Sincerely,

  
Marjorie Xavier

cc: Senator Diane Feinstein  
Senator Barbara Boxer

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR





LEIS-233

**RED ROCK AUDUBON SOCIETY**

20 August, 2000

Superintendent  
Death Valley National Park  
P.O. Box 579  
Death Valley, CA 92328

**RE: Timbisha Shoshone Homelands LEIS**

Dear Sir:

We applaud the goal of providing the Timbisha Shoshone a land base upon which they can live and hopefully, prosper. This pioneering effort to find common ground between the National Park Service and the Timbisha People will serve as an example for the future.

We feel that there are some items which are not adequately addressed in the LEIS. There really is no good model for the cooperative management agreements between the Park Service and the Timbisha Tribe. As a result terms such as "traditional uses" which are not clearly defined will undoubtedly be the subject of differing interpretations. There E1H-01 needs to be a clearly spelled out means of resolving disputes over cooperative management agreements. Settling disputes via the court system will not be productive for anyone. Mechanisms for resolving future disputes or disagreements might include mandatory arbitration or use of an advisory board made up of stakeholders in the Park and representatives of other tribes.

The issue of water in this region, the most arid part of the North American Continent, will always be contentious. It is obvious that the Timbisha need a reliable, dependable source of water for their needs. However, it is vital that groundwater resources not be depleted. E1D-02 Hence, we urge that the 92 acre feet of water/year allocated to the Tribe at Furnace Creek be limited to surface water from Furnace Creek. This may require a significant conservation effort by AMFAC, the Concessionaire which runs Furnace Creek Inn and associated enterprises. It is essential that groundwater in this area not be depleted. The mesquite groves which the Timbisha Tribe wishes to re-vitalize and manage, are absolutely dependent on groundwater at a relatively shallow depth. Any significant pumping in this area will doom the future health of these groves.

POST OFFICE BOX 96691 LAS VEGAS, NV 89193



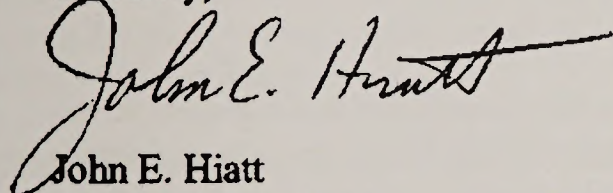
20 August, 2000  
Red Rock Audubon Society

Water rights at Scotty's Junction need to be looked at very carefully. The proposed 375 acre feet/year allocation may or may not be sustainable. If it is not sustainable the springs down-slope in Death Valley National Park may suffer. There needs to be a mechanism in place to monitor groundwater withdrawal at this site and reduce pumping appropriately if the water table starts to fall. The longtime practice of allocating groundwater based on need and desire rather than proven perennial yield has led to the cessation of spring flows and loss of wildlife habitat in many parts of the arid west.

E1D-03

It will be very much in everyone's best interests to resolve potential problems, or at least devise a mechanism for doing so, prior to finalization of any legislation or agreement between the Timbisha Tribe and the United States Government.

Sincerely,



John E. Hiatt  
Conservation Chair



**P. DAVID DEWENTER**

20 August 2000

Superintendent  
Death Valley National park  
P.O. Box 579  
Death Valley, California 92328

Dear Superintendent,

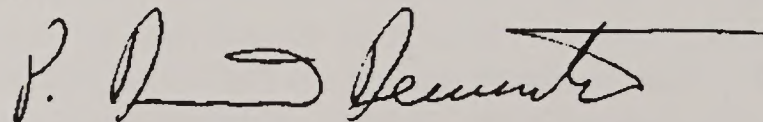
I find the Timbisha Shoshone Homeland LEIS to be too general and lacking specific impacts. Some of these areas are; (a) Tribal use of water. Use of 375.5 acre feet at Scotty's Junction. Yet on page 83 of Vol. I, it states under Cottonball Marsh pupfish, "An overall concern with regional water diversion is not limited to this species; rather, water diversion has the potential to affect a large number of sensitive aquatic species (including insects and snails) and riparian obligates." and, (b) Tribal use of Saline Valley Springs. No details of the pilot demonstration project. And that after the LEIS states that "The Tribe no longer uses the springs because current visitor use is incompatible with the tribal value associated with the springs." Is the current use going to change? No details.

SV-01

I for one do not want the current use of Saline Valley Springs to change. With the above in mind; the Saline Valley Hot Springs should not be reserved for special use of the tribe. Ash Meadows, Warm Sulphur Spring and Furnace Creek Springs are riparian areas that should be managed for wildlife.

The no action alternative is supported.

Sincerely,



P. David Dewenter

P.O. Box 1886  
Keaau, Hawaii 96749  
Phone: 808 895-0816



20 August 2000

Carolyn Moseley  
1353 North Guam Street  
Ridgecrest CA 93555

LEIS-235

Dick Martin, Superintendent  
Death Valley National Park

RE: Comments on DLEIS for Timbisha Homeland Proposal

Dear Mr. Martin,

I submit the following comments on the Draft Legislative Impact Statement for the Timbisha Homeland Proposal. I live in Ridgecrest, CA, which is local to Death Valley National Park. My background and employment have been in geology and engineering. My husband and I moved to Ridgecrest in order to be in the Death Valley area. (We settled in Kern County because private property is so scarce in Inyo County.) Although we avoid Death Valley proper because it is so over-regimented and developed, through the years we have spent a great deal of time in Panamint and Saline Valleys, as well as in the Nelson and Inyo Ranges.

Although I support the creation of a land base for the Tribe, my overall comment with respect to this DLEIS is that it is a shoddy and inadequate document. I wish I thought better of it, since it clearly cost a lot.

E1D-01

This DLEIS claims (page "i") to be unable to address any impact beyond that of the legislative action of land transfer. That is disingenuous.

As an Environmental Impact Statement, this DLEIS fails to provide reliable and complete content. Above all, in a region where water resources are paramount, it avoids fully quantifying, analyzing or discussing the impact that development of future reservation lands will have on neighbors or on the regional system. Additionally, it presents partial species lists, compiled on the basis of incomplete ground surveys or more often only on literature searches, that are sometimes not even relevant to the parcel where they are purported to apply. Although it includes background information on some endangered species, it has obviously avoided looking for the presence of rare or endangered species on the parcels slated for acquisition or transfer. It provides inaccurate and incomplete geographic descriptions of the sites it mentions. It is very piecemeal, disrupted, and filled with inconsistencies.

This DLEIS does not meet reasonable standards of impartiality. It unashamedly includes a great deal of propagandizing on behalf of the tribe, and some of this propaganda uses misleading statements or partial information to slant the reader's interpretation. It spends a lot of words applauding and romanticizing the tribe's culture and heritage, things which are not particularly relevant to analysis of environmental impact. While it consistently presents any potential benefit to the Tribe as a desirable effect, it repeatedly disregards potential negative effects on others as negligible.

Here are some more specific comments:

1. In public meetings you have said that you will consider only comments that address the parts of the DLEIS that discuss the effects of the legislative action of transferring lands to the tribe. I object to your dismissal of comments on the rest of the DLEIS. In fact, the text of the DLEIS does expound on changes, other than legislative land transfers, that may be anticipated to affect the natural and human environment. It also includes factually inaccurate statements that are used to support some of those changes. You saw fit to include all this in the DLEIS, which is a major document that supports the legislation. When members of the public point out the impact of



those changes, it is irresponsible to disregard their comments. Likewise, when members of the public point out factual errors in this document, it is irresponsible not to correct those errors.

2. Centennial Flat. The DLEIS and subsequent supplementary studies fail to demonstrate that any parcel in Centennial Flat has water resources adequate for development. Further, the DLEIS fails to address the impact of development on qualities other than water resources. The benefits to a couple of families of developing Centennial flat are outweighed by the greater benefits of leaving the area undeveloped. The DLEIS and Technical Report do an inadequate job of evaluating the Centennial Flat parcel.
  - a. Centennial Flat is rare in that it remains unsettled, open, and wild. In keeping with the spirit of the Desert Preservation Act, it should be preserved as such. As a western approach to Death Valley NP, it has exceptional visual value. The DLEIS fails to address the certain degradation of this quality by future development. C-02
  - b. Centennial is also rare in being almost without light pollution (as astronomers have commented in public meetings). Any development will detract from its value to the thousands of astronomers who use it, while providing habitat to a few families at best. The DLEIS fails to address the certain degradation of this quality. NS-03
  - c. Residents of nearby Darwin have pointed out that any development on Centennial Flat could have serious impact on that town's water supply, which is already strictly rationed. The DLEIS, and the newly issued Technical Report (dated 19 July 2000) fail to resolve that problem.
    1. The original DLEIS draws invalid conclusions based on failed well tests and false assumptions. It discusses effects that development on Centennial Flat might on groundwater in Darwin. If the document had been prepared carefully, its writers would have known that there is NO groundwater in Darwin. It failed completely to consider the effect of development on nearby Coso Springs, which provides Darwin's water supply. W1-04
    2. The supplementary Technical Report states that 6.2 gpm groundwater flow is necessary for development of the proposed parcel and that it cannot predict whether this amount of flow is actually available.
    3. The per-household usage at Centennial Flat estimated for tribal needs in App. I amounts to about twice the current per-household (125 gpd ) ration to Darwin residents. The DLEIS should make this clear. Darwin residents are already quite responsible with water and are being reasonable and careful in questioning this DLEIS. W2-05
    4. Both the DLEIS and the Technical Report imply that nearby Black Rock Spring might be tapped to supplement groundwater at the Centennial Parcel, yet fail to guarantee how much of that spring would have priority allocation for ecosystem maintenance as is done at Coso Spring.
    5. The Technical Report assumes that Centennial Flat and Darwin constitute separate groundwater flow basins due to the presence of a bedrock ridge between them. This is an unwarranted assumption. The entire region is extensively faulted and fractured, which promotes groundwater flow between topographic basins. In the immediately adjacent Indian Wells Valley there is a lot of hydrologic evidence for fracture-enhanced groundwater flow. The Technical Report clearly states on page 4 that it has not done the studies necessary to evaluate water resources and effects on adjacent spring flows. W2-06
    6. I notice the legislation supported by the DLEIS contains no provision to help the residents of Darwin meet the costs of litigating and resolving any problems that might arise.
  - d. The LEIS claims this parcel is of particular value due to its view of Hunter Mountain. As I recall, this is not true – there is no view of Hunter Mountain from this parcel. This claim should be deleted from the DLEIS. (page 17) E1G-07



- e. Instead of insisting, at all costs, on finding 640 acres somewhere on very unsuitable Centennial Flat, the Department of the Interior should expand the Tribe's privileges within Death Valley proper, and make whatever bureaucratic sacrifices are necessary to give them more good land there – for instance at Cow Creek, which is rather nicer than Centennial Flat and also more symbolic of past issues between the Dept. of Interior and the Tribe.

3. The LEIS cannot honestly claim to be so unable to anticipate future uses of transferred parcels that it cannot assess the impact of those future usages at all. Specific water allocations have been included in the language of the Act. Obviously the water allocations have been made sufficient to support some probable and reasonable usages. It is then also reasonable to expect this LEIS to consider the impacts of such usages, and it should do so in a complete EIS. E1D-08
4. Related to #3 above, it is especially clear from App. E that *any* development on the East Side of the Park will affect the water flow system in Death Valley proper. Now that the legislation includes specific water allocations, the impact of those allocations should be examined in detail and quantified at least on the basis of the most recent generation of groundwater models.
5. Apart from my general concern about the effects of the rampant overdevelopment that is already occurring along the Nevada-California border, I am not opposed to most of the likely usages that I imagine will be developed on the transferred parcels within Death Valley proper and on the East side of the park. The tribe, as citizens, have a right to participate in the ongoing rampant overdevelopment by engaging their own property in that process. At a minimum, the DLEIS should state clearly whether the tribe's development of its land will be subject to the same requirements, regulations, and restrictions as would apply to non-Indian land. Obviously the transfer of lands to the tribe does have potential to worsen existing impacts. The DLEIS is deficient in its assessment of the related impact of those usages. E1H-09
6. Also related to #3 above, usages of transferred parcels are likely to have impact on the social environment. The LEIS states that while it is not required to address the effects of future development on the transferred parcels, such development will trigger NEPA review if it is funded by public money. What about development that might be privately funded? For example, a hotel or casino might be build by private partnerships on some of the larger parcels. Will that also trigger NEPA? Are there any provisions for resolving unanticipated effects on neighboring property owners? The Tribe's present intentions with respect to gaming on the East Side lands should be elucidated. E1H-10
7. The DLEIS fails to address the impact on the National Park environment of development on the 120 acres of "Rancheria" property that it proposes to purchase for the tribe. This is not a transfer of public land. Nonetheless its impact should be realistically addressed because development on these parcels will affect the environment that will be experienced by visitors to our public lands. E1H-11

Various places in the DLEIS inconsistently describe the Tribe's probable usage of these parcels as "open space", "none", "residential", or "visitors center". Please be consistent. Some of these usages would have distinct impact on the local ecosystem and this should have been addressed in the DLEIS, since they have obviously been contemplated.

- a. The present, private owners of these parcels are extremely low-impact, and are now tightly constrained by law as outlined in APP. B, page B17. This is a very benevolent level of usage that is entirely in keeping with the non-commercial, open, public nature of the Saline-Eureka corridor. The same cannot be said of future tribal usage as described in the LEIS. Any development at the Rancheria beyond what is outlined in Appendix B would be a significant negative impact on visitor's experience in the presently open, undeveloped Saline-Eureka corridor. Nighttime darkness and silence are valuable environmental qualities. The LEIS does not address this.



- b. If the tribe will not be subject to the same constraints as private owners of Rancheria parcels, per App. B, you should say so clearly in this LEIS. Although you propose to give the Tribe the right to control visitors' usage and impact on the Saline-Eureka corridor, you don't propose to give the public any right to influence the Tribe's usage and impact. "Future development", "residential use", and "limited economic activity" (p.93, p.95) should be within the constraints listed in App.B.
  - c. Second, I don't believe this LEIS addresses the possibility that the tribe would use legal channels to seek to reinstate its historic diversion of water from Hunter Canyon. W2-12
  - d. You do not discuss the impact on the county of providing services that might be needed for future development at the Rancheria. E1H-13
  - e. The DLEIS falsely implies that there is no Indian presence in the Saline-Eureka Corridor because they are somehow prevented from going there. Elsewhere it admits that part of the original rancheria has been continuously owned by a tribal family, who has simply not used it for about fifty years. Since members of the tribe still own part of the original Rancheria, that parcel of land might be entirely adequate for the tribal usages described in the DLEIS, without going to the extreme of forcing the present owners to sell unwillingly. IR-14
  - f. Incidentally, in describing the proposed acquisition of the Rancheria, you should make it clear that at least one landowner is not a willing seller. IR-15
  - g. The relation of the Rancheria to the Saline Valley floor springs is falsely described. On page 28, in section 3.2.2.1.2 you say "The continuous occupation of this [rancheria] parcel . . . reflects the importance they placed upon the hot springs." You should delete this sentence, since it is false. As you know, this parcel is about 8 miles from all the valley floor hot springs, and neither historical nor anthropological evidence supports the notion that the Rancheria was inhabited because hot springs were within a day's walk. Rather, it is well documented by Steward that Hunter Canyon's water resources were the reason first for settlements first right at Hunter Canyon, then later at the Rancheria. If this actually refers to the Hunter Canyon warm spring, then say so. IR-16
  - h. The vegetation and wildlife survey is inaccurate. Section 3.6.2.1.3 incorrectly lumps the plant communities of the various Saline Valley Springs with that of the Rancheria, when in fact these are highly distinct communities. E1D-17
  - i. On page 77, in section 3.7.2.1.2, it is not valid to represent a description of animal species at Palm Springs as being descriptive of the Rancheria. These two sites are miles apart, separated by hot arid land. The soil and vegetational characteristics of the two sites are quite different. The extent of available water is different. They can be expected to support different plants and animals. I understand that you did not survey the Rancheria parcels. Just say so. E1D-18
  - j. Likewise, on page 29, section 3.2.2.1.3, it is not valid to lump the cultural resources of the "Saline Valley Springs" either with the Rancheria, or with each other. In fact, separate descriptions should be made for each of the Saline Valley floor springs. Some, such as Seven Sisters, are well-documented in the anthropological literature as former habitation sites. Others, such as Lower Warm Spring and Palm Spring, lack documentation or physical evidence for anything but casual usage. E1D-19
8. Since this is, after all, supposed to be an Environmental Impact Statement, it should address the uncertainty, and possible pitfalls, of managing natural resources according to a poorly understood tradition. It should also state clearly the total acreage of Special Use Areas that will be managed by as-yet undefined traditional practices.
  9. It is somewhat offensive that the DLEIS extols the value of cultural resources such as barns, corrals, and other ranching structures built by Shoshone (for example page 34), while it doesn't mention the presence of non-Indian cultural resources such as corrals and structures that are also within the proposed "Timbisha Shoshone Natural and Cultural Resources Area". In other words, that proposed area also contains cultural resources that have special significance to non-Indians. E1D-20



10. Last year, during the comment period for the original proposal, you received many letters testifying to the spiritual significance that Lower Warm Spring and Palm Spring, in Saline Valley, hold for their many visitors. Those sites are of more than purely recreational value to non-Indians. The Saline-Eureka corridor in general also has great spiritual significance to the friends and families of many non-Indians whose ashes have been scattered there. Failure to mention this on page 16, 28, 29, and at all other places in the DLEIS where these springs' cultural resources are mentioned, is irresponsible and deliberately ignores information you have been given.

E1D-21

11. In various places you mention the tribe's intentions to clean debris from springs. I ask that on that same pages you mention that for decades the springs at Lower Warm Spring and Palm Spring in Saline Valley have been kept clean and free of debris by the non-Indians who have volunteered their time and effort to maintain the springs.

SV-22

12. On page 95 (in section 4.5.1), since the springs are not part of the Indian Rancheria parcel, please delete mention of springs management from the paragraph on Indian Rancheria. As written, it falsely implies that these sites are the same.

SV-23

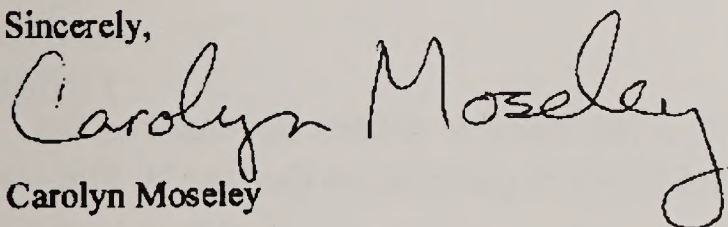
13. In general, repeatedly in this DLEIS you use the Rancheria to justify management plans for all the springs in Saline Valley, on the basis of ill-described geography, inappropriate lumping of descriptions, inaccurate identification of springs and poor documentation, while neglecting to acknowledge their well-documented value to a large visitor base that constitutes a broad cross-section of mainstream citizens.

SV-24

14. Given the many factual errors and contradictions pertaining to parts of the region I know well, I have a low level of belief in facts that are presented about parts I know less well.

As a personal comment to Mr. Martin: I wish to emphasize that I do support providing the tribe with a strong economic base and land base, and particularly applaud those portions of this proposal that deal with the Furnace Creek Area. Outside Death Valley proper, though, you have proposed changes to this national park that inherently exclude the general public from access to the management process, while granting it to the Tribe. You could have done better. You had the choice to include the entire community, both Indian and non-Indian, and you chose not to do so. It is distressing. I believe you have knowingly and willingly sown discord and resentment among those who love the Death Valley region.

Sincerely,



Carolyn Moseley

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



DARWIN COMMUNITY SERVICES DISTRICT  
RESOLUTION No. 2000-1

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3

A RESOLUTION OF THE DARWIN COMMUNITY SERVICES DISTRICT, COUNTY OF INYO, STATE OF CALIFORNIA, RESPONDING TO A PROPOSAL AND DRAFT LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT (LEIS) PREPARED BY THE NATIONAL PARK SERVICE TO ESTABLISH A HOMELAND FOR THE TIMBISHA SHOSHONE TRIBE WITHIN DEATH VALLEY NATIONAL PARK, AND IN OTHER LANDS WITHIN INYO COUNTY

WHEREAS, the Darwin Community Services District is a duly constituted government body under the County of Inyo, State of California; and

WHEREAS, the Inyo County Board of Supervisors, in Resolution No. 2000-14, dated July 11, 2000, "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, RESPONDING TO A PROPOSAL AND DRAFT LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT (DLEIS) PREPARED BY THE NATIONAL PARK SERVICE TO ESTABLISH A HOMELAND FOR THE TIMBISHA SHOSHONE TRIBE ...," stated that "a thorough hydrologic characterization should be developed to ensure the water supply for Darwin from Coso Cold Springs is not adversely impacted by this proposal"; and

WHEREAS, the Darwin Community Services District previously requested in June 1999, in a letter to Death Valley National Park Superintendent Dick Martin, that "studies be done to determine . . . what possible impact drilling and pumping in Centennial Flat could cause to Darwin's water supply"; and

WHEREAS, the LEIS, issued on May 12, 2000, failed to address this concern, but dismissed it with an erroneous statement that groundwater pumping on Centennial Flat would not adversely affect the "wells in Darwin"; and

WHEREAS, the Technical Report entitled "Darwin Water Supply and Lower Centennial Flat: Water Resource Evaluation," dated July 19, 2000, fails to resolve any of the hydrological issues raised by DCSD, and fails to take into account the hydrological report on Coso Cold Springs by Leroy Crandall and Associates, dated April 21, 1980;

NOW, THEREFORE, BE IT RESOLVED the Darwin Community Services District requests that an amendment be incorporated into Senate Bill S. 2102, the Timbisha Shoshone Tribal Homeland Bill, stating that prior to the transfer of the 640-acre parcel at Centennial Flat



C O S O

**DARWIN COMMUNITY SERVICES DISTRICT  
RESOLUTION No. 2000-1**

from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the Timbisha Shoshone Tribe,

(1) EITHER full hydrological and isotope studies will be carried out to demonstrate conclusively that there is no possible connection between groundwater at Centennial Flat and Coso Cold Springs, and that groundwater pumping at Centennial Flat will not adversely impact Darwin's water supply at Coso Cold Springs; OR W2-01

(2) In lieu of hydrological studies, that DCSD will receive guarantees from the Department of the Interior that further development of test wells at Centennial Flat will be closely monitored, with results reported to DCSD; and that if prolonged test pumping of such well(s) results in any discernible impact on Black Rock or Lower Centennial Springs, the closest springs to the well site, that water development activities will immediately cease and the Centennial Flat parcel will be withdrawn from the proposed land transfer;

AND MOREOVER, that following the transfer of the Centennial Flat parcel, such monitoring will be continued, and if any subsequent development of groundwater at Centennial Flat be observed to have an impact on Coso Cold Springs, that pumping of groundwater will immediately cease until acceptable levels of groundwater draw-downs can be established.

**PASSED AND ADOPTED** by the Darwin Community Services District of the County of Inyo at a special meeting of said Community Services District, convened on the 18th day of August, 2000, by the following vote of said Community Services District:

AYES: S. Reese, D. Reese, Newell, Hunolt, Healy  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0

---

Steve Reese, Chairperson  
DCSD

ATTEST:

---

Burmah Reese  
Secretary, DCSD



## COMMENT FORM

TIMBISHA SHOSHONE TRIBAL HOMELAND

mail to:  
 Superintendent  
 Death Valley National Park  
 P.O. Box 579  
 Death Valley, CA 92328

Date: 8-10-00Your name: LARW WILSONAddress: P.O. Box 830City: LONE PINEState: CAZip: 93545Comments: CENTENIAL SPECIFIC

1980? DARWIN GEO/HYD REPORT DESCRIBES FRACTURED AREAS SLOPED 45-70°  
W/45°+70° ABOVE THE DARWIN WATER SOURCE

NO SEISMIC DATA INCLUDED IN LEIS + MAJOR FAULTING IN CENTENIAL

LACK OF CHEMISTRY REPORTS FOR SPRINGS IN THE AREA NOT INCLUDED  
EVEN THOUGH READING AVAILABLE + PLENTY OF LEAD TIME

DIDN'T TRY TO GET DATA FROM DARWIN WATER DISTRICT (DCSD)  
+ INCLUDED IN LEIS

NO BODY WANTS TO KEEP THEM FROM GETTING THEIR LAND  
CENTENIAL IS NOT A GOOD PLACE - EUREKA, SANTA ROSA,  
+ SANTA RITA, HUNTER MOUNTAIN, WOULDN'T BE GOOD PLACES FOR  
ANY DEVELOPMENT EITHER

CENTENIAL IS NOT GOOD FOR THE INDIANS, GOVERNMENT, BLM,  
THE PUBLIC. IT'S A "PIG IN A POKE"

I WOULD RECOMMEND THAT THE CENTENIAL FLATS PARCEL BE  
WITHDRAWN; DO TO LACK OF SCIENTIFIC DATA AS TO THE FUTURE  
IMPACTS TO WILDLIFE, VEGETATION, SCENIC VALUES, GROUND WATER,  
+ THE PUBLIC TRUST OF THE CITIZENS OF THE USA, CALIFORNIA, + INYO COUNTY.

Comments can also be made electronically at <http://www3.iwvisp.com/blm/report>



LEIS-238

## COMMENT FORM

TIMBISHA SHOSHONE TRIBAL HOMELAND

mail to:

Superintendent

Death Valley National Park

P.O.Box 579

Death Valley, CA 92328

Date:

7/20/00  
8/10/00

Your name:

Trona Chamber of Commerce

Address:

P.O. Box 184

City:

Trona

State:

CA

Zip:

93592

Comments:

7 pages including this cover page.

See attached letter from  
Trona Chamber of Commerce  
dated 7/20/2000 with  
attachment referred to in  
said letter noted as Exhibit  
"A" by hand on Inyo Co Board of  
Supervisors Resolution No 2000-41  
and also Inyo Counties named exhibit A.

Comments can also be made electronically at <http://www3.iwvisp.com/blm/report>

This is resubmitted by hand with a wet stamp  
signed Inyo Co. doc<sup>8</sup> instead of a draft.



Copy



P.O. Box 184, Trona, Ca. 93592  
(760)372-5755

Superintendent  
Death Valley National Park  
P. O. Box 579  
Death Valley, Ca. 92328

July 20, 2000  
Re: Timbisha  
Homeland

Dear Sir or Madam,

Trona is located in the north western corner of San Bernardino County. Our Post Office and most of our businesses are in San Bernardino County, however our community extends into Inyo County with quite a few residences and a few of our member businesses being located in Inyo County.

It has been brought to our attention that the plan for the Timbisha Shoshone Indians Homeland could adversely affect these businesses and residents. For that reason, we are writing at this late date. We have been given volume 1 and 2 of the "Draft Legislative Environmental Impact Statement" April, 2000. and a "draft" copy of Inyo County Board of Supervisors Resolution No.2000 - 41, with "Exhibit A" attached. We have studied these documents and our Chamber unanimously supports the findings of the Inyo County Board of Supervisors.

TR-01

We are concerned that the Inyo Co. property tax structure will be greatly changed by an increase in demand for County services and a decrease in income to Inyo County if this plan is approved without more planning. We are also very concerned about the water, or lack of water, for our member businesses and our neighbors to the north, especially in Darwin.

SE-02

W1-03

We feel that there are too many unanswered questions for an informed decision to be made at this time. For this reason we are requesting that you grant at least another 90 days during which time some of these unanswered questions should be answered.

E1D-04

E2-05

Thank you for your consideration,  
THE TRONA CHAMBER of COMMERCE

Rena Hines, Secretary

cc: Congressman Jerry Lewis,  
Inyo County Board of Supervisors,  
E-Mail to: DEVA\_Superintendent@nps.gov



*Exhibit H  
Tiona Chamber  
Q.A.*

**INYO COUNTY BOARD OF SUPERVISORS RESOLUTION No. 2000-41**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO,  
STATE OF CALIFORNIA, RESPONDING TO A PROPOSAL AND DRAFT  
LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT (DLEIS) PREPARED BY  
THE NATIONAL PARK SERVICE TO ESTABLISH A HOMELAND FOR THE  
TIMBISHA SHOSHONE TRIBE WITHIN DEATH VALLEY NATIONAL PARK AND  
ON OTHER LANDS WITHIN INYO COUNTY**

**WHEREAS**, this Board of Supervisors supports the concept of establishing a homeland for the Timbisha Shoshone Tribe; and

**WHEREAS**, this Board of Supervisors is required by State law to adopt and enforce a General Plan, as well as subordinate land use plans, policies and regulations to govern the current and future use of all land in the County, including, to the extent possible, land within the County owned by the United States and administered by the National Park Service and the Bureau of Land Management; and

**WHEREAS**, there exists a Collaborative Planning Memorandum of Understanding for the establishment of a Collaborative Planning Team that includes the National Park Service the Bureau of Land Management, as well as other state and federal agencies; and

**WHEREAS**, this Collaborative Planning Team was established to create a forum for constructive dialogue to address concerns and issues involving the planning programs and proposals common to respective agencies; and

**WHEREAS**, Inyo County is affected by the proposed action and has not participated in the DLEIS process as a Cooperating Agency under the National Environmental Policy Act in accordance with procedures set forth in the Council of Environmental Quality regulations found in CFR Part 1501.6; and

**WHEREAS**, this Board of Supervisors has determined several issues and concerns attendant with the establishment of the Timbisha Shoshone Homeland proposal and DLEIS require further disclosure and analysis to satisfy the requirements of the National Environmental Policy Act and specifically address the potential impacts to Inyo County.

**NOW, THEREFORE, BE IT RESOLVED** the Inyo County Board of Supervisors submits to the National Park Service, as the Lead Agency, the following concerns identified as "Exhibit A" and incorporated by reference herein:

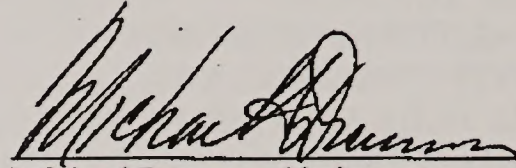
**PASSED AND ADOPTED** by the Board of Supervisors of the County of Inyo at a regular meeting of said Board, convened on the 11th day of July, 2000 by the following vote of said Board:

bosrestimsho

1

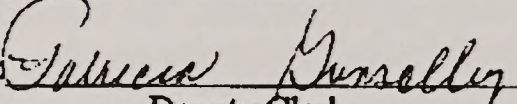


AYES: Supervisors Arcularius, Bear, Lent, Hambleton and Dorame  
NOES: -0-  
ABSTAIN: -0-  
ABSENT: -0-

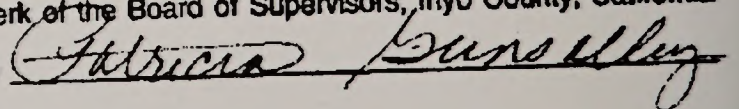
  
Michael Dorame, Chairperson  
Inyo County Board of Supervisors

ATTEST:

RENE MENDEZ  
CLERK OF THE BOARD

By   
Deputy Clerk

The foregoing instrument is a full, true and correct copy of  
the original on file in this office.

Attest August 1 20 00  
René L. Mendez, Administrative Officer and  
Clerk of the Board of Supervisors, Inyo County, California  
By 

bosrestimsho

2



## Exhibit A

General CommentsA. General Comment:

As stated in the DLEIS in numerous locations, it is very difficult to objectively assess the impacts of this proposal absent site specific development characteristics. The County supports the concept a definitive Environmental Impact Statement, as necessary, should be prepared to fully illuminate the potential impacts of these proposals, individually and cumulatively, as more project specific information becomes available.

B. General Comment:

The County further recommends any future development on these sites recognize and incorporate County standards to ensure development continuity and the assurance of providing public services. To promote consistency between development of BIA trust status property and standards created by state and local laws, the following areas of concern should addressed: building design and construction; land use, planning and zoning; health; environmental health; animal control; streets; highways and roads; environmental quality; police protection; fire protection; water supply; sewage disposal; school facilities; funding for County-provided services; and gaming.

C. General Comment:

The County supports the preservation of public use and access to all lands currently utilized for recreation on lands proposed for transfer to the Tribe, or within Tribal Cooperative Activity/Special Use Areas. Measures to perpetuate public use and access on these lands would include the following: provide for public use and access to the greatest extent possible while protecting cultural resources and uses; continue existing public and private rights of access across Tribal lands; allow for continued public use and access to Saline Valley Hot Springs while protecting cultural and historic resources and uses at this site; prior to transfer of land into BIA trust status, provide a 60-foot wide (30-foot from centerline) irrevocable offer of dedication for Saline Valley Road through the Indian Rancheria site.

Specific Comments

1. Executive Summary, Pg. vii, S.4.4, Socioeconomics Resources and Environmental Justice:
  - a) The source of funding for the provision of additional public services is not identified in the document, and given the isolation of one of the sites identified for residential and limited commercial development in Inyo County (Centennial Flat), this expense should be addressed if local government is expected to be responsible for the provision of said services.
  - b) The reduction of the Payment In Lieu of Taxes (PILT) to affected counties should be quantified in the document, in light of the fact the parcels involved have been specifically identified and the information necessary to determine this amount is readily available. In addition to the BLM property in Centennial Flat (640 acres) and Death Valley Junction (1,000 acres), the transfer of 314 acres at Furnace Creek from the NPS to the BIA will also adversely impact PILT revenues to Inyo County.

exhibitA timshodleis

1



2. Executive Summary, Pg. x, Table S.1., Proposed Activities by the NPS (and several other locations in the document);  
Given the preponderance of land ownership by public entities in Inyo County (98.3%), the County has a very limited property tax base to provide services for the second largest county in the State of California (10,141 sq. mi.). Given this disposition of land ownership in Inyo County, the County adopted a policy in the Inyo County General Plan to oppose any net loss of privately owned property as a result of public agency land acquisition. The purchase and conveyance of title to the BLA of 120 acres (40 acres according to County assessor records) of privately owned land at the Indian Rancheria in Saline Valley would conflict with this policy.
3. Water Resources, Pg. 89, Centennial;  
The text in this section states "Concerns have been raised that substantial withdrawals of water from the Centennial Flat area could adversely affect water supply to wells in the town of Darwin, approximately 5 miles east of Centennial Flat. Geologic and hydrologic data do not support this assertion, but adverse effects on groundwater availability at Darwin cannot be precluded without assessment of aquifer boundaries, production capacity, and water quality." Please be advised the town of Darwin does not currently utilize groundwater for any purpose, as none has been determined to be feasibly available. However, a thorough hydrologic characterization should be developed to ensure the water supply for Darwin from Coso Cold Springs is not adversely impacted by this proposal.
4. Table 1, Demographic and Socioeconomic Characteristics Timbisha Shoshone Homeland Draft LEIS;  
The stated 2000 (estimated) population for Inyo County in the table is 19,500. Please be advised the California Department of Finance has estimated the year 2000 population of Inyo County to be 18,050.
5. Appendices, Appendix C, Pg. C5;  
The County would like to be informed of any management directives developed for the Saline Valley Hot Springs, as the site currently, and in the past, represents a popular recreation destination in Inyo County. As stated in the text, while the current public use of the site is in conflict with tribal values, any alteration of current public visitation characteristics would generate controversy, as noted in another location in the DLEIS.
6. Appendices, The Potential Impact of Water Development at Proposed Timbisha Shoshone Reservation Sites on Groundwater Dependent Resources of Death Valley National Park and Ash Meadows National Wildlife Refuge, Principal Investigator; James R. Harrill, Figure 4, Pg. 11;  
Although any potential impacts may be chronologically distant, the direction and area of regional groundwater flow depicted on this graphic suggests the text should address any potential impacts from the siting of the proposed High Level Nuclear Waste Repository at Yucca Mountain, Nevada. The DLEIS Timbisha Shoshone Homeland, Chapter 3.0, Description of Environment and Affected and[sic] Resources, Pg.38, states as follows:



“Furthermore, by virtue of numerous statutes, including the Organic Act of 1916 and the California Desert Protection Act of 1994, as well as the U.S. Supreme Court decision in *Cappaert v. United States*, 42 U.S. 128 (1976), NPS has a statutory duty as well as the legal ability to protect the water rights and water-related resources of Death Valley National Park. This mandate obligates NPS to obtain protection for these rights and resources by whatever means are deemed prudent and effective, including limitations on groundwater development in areas hydrologically connected to the Park’s water resources.

4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR



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4.2 INDEX BY LEIS  
LETTER NUMBER

4.3 INDEX BY TOPIC

3.0 PUBLIC COMMENT  
RESPONSES

4.0 INDICES

4.1 INDEX BY AUTHOR







## 3.0 PUBLIC COMMENT RESPONSES

### 3.1 AQ—AIR QUALITY

One comment was received regarding air quality in the proposed Timbisha Shoshone Homeland area. The comment pertained to ensuring that ambient or incoming air quality data for the Trona area be presented correctly to show that air quality efforts in Trona have reduced impacts to incremental levels on surrounding areas. At public meetings, verbal comments were expressed concerning the potential for blowing dust from Owens Dry Lake to adversely affect the Centennial parcel.

**Comment Letter:** LEIS 017

**Response:** Comment noted concerning air quality improvements at Trona. The effects of the Proposed Action do not affect, and are not affected by, ambient conditions at Trona.

The Transfer of lands into trust would not have an impact on air quality. In the future it is possible that temporary impacts on air quality could occur associated with construction activities. These would primarily involve temporary increases in particulates (fugitive dust) and vehicle emissions (where motorized equipment is used). Future assessments would likely require mitigating measures (such as watering to keep dust down) that would be taken to limit even temporary and localized impacts.

The Centennial parcel is within an area of non-attainment for PM-10, primarily related to blowing dust from Owens Lake. Although the establishment of a trust parcel on Centennial Flat could expose users/residents of the parcel to blowing dust from Owens Lake. The parcel or any subsequent development would not be expected to contribute to an increase in PM-10 emissions within this airshed.

### 3.2 C—CENTENNIAL

Twenty-four written comments were received regarding the Centennial parcel. The comments pertained to the lack of information and studies concerning an exploratory well located on the Centennial parcel; the effect on wildlife and plants, on the springs of the northern Coso Range (e.g., Coso, Black Rock, Upper Centennial, and Lower Centennial springs), and on other water rights holders such as the town of Darwin from pumping groundwater; the lack of assessment of aquifer boundaries, production capacity, water quality, and seismic characteristics; concerns that development at Centennial will affect the wilderness character of the area; and the question of why Centennial was included in the LEIS.

**Comment Letters:** LEIS 001, 007, 009, 028, 036, 039, 051, 062, 067, 093, 111, 112, 129, 146, 146A, 151, 153, 155, 165, 202, 210, 237

**Response:** Water resources have been evaluated on each of the parcels designated for transfer to the Tribe. Water reports and studies relied upon in preparing the water analysis for the LEIS can be found in Volume III, Appendices E, R, V, and W.

No surface water resources exist on the Centennial parcel. Nearby surface water resources include Black Rock Springs, which is located approximately four miles from the parcel. An exploratory well for groundwater was drilled approximately one mile north of the parcel in November 1999. The nearest community to the Centennial parcel is the town of Darwin, which is located approximately five miles east of the parcel. This community relies exclusively on water supplied from Coso Spring, which is delivered to the town by a pipeline. The spring, which is located on China Lake Naval Air Station, is approximately seven miles southwest of the town. There are wells present in the vicinity of Darwin, but none of these produce water for use by town residents. A technical report (Volume III, Appendix V; *Technical Report:*



*Darwin Water Supply and Lower Centennial Flat Water Resource Evaluation*) evaluated the potential relationship between groundwater at Centennial Flat and springs in the Coso and Argus Ranges south and east of Centennial Flat. The Technical Report concluded that geological conditions between the spring complex in the mountain south and east of the Centennial parcel made a hydrological connection between these areas very unlikely. Subsequent testing by the Bureau of Reclamation (BOR) of the exploratory well at Centennial Flat did not reveal the presence of a water table at the well site. These results indicate that groundwater resources at the Centennial parcel are not adequate to support transfer of the property. (Volume III, Appendix W; Technical Report: Lower Centennial Flat Groundwater Exploration Drill Hole.)

A sustainable groundwater supply at the Centennial parcel has not been identified, and rendering the parcel unsuitable for transfer. The legislation (August 2000) directs the Secretary of Interior to identify another parcel with an adequate supply of water within two years. Should a parcel with an adequate water supply be identified, it will be subject to review to assess the environmental consequences of the transfer. Assuming the parcel is on Bureau of Land Management (BLM) lands, BLM would be the lead agency for that review.

### 3.3 DV—DEATH VALLEY NATIONAL PARK

Twelve comments were received regarding Death Valley National Park. The comments asked for clarification of the types of activities that will take place on lands within the Timbisha Shoshone Natural and Cultural Preservation Area and the effects these activities will have on Park wildlife, plants, and water usage; asked if the land transfer parcels could be restricted to only those within the Park boundary; asked if the 92-acre-feet/year water use figure for Furnace Creek applies only to tribal use or includes AmFac and National Park Service (NPS) use; requested clarification about the nature of the Tribe's control over lands within the Timbisha Shoshone Natural and Cultural Preservation Area; asked about Park control over and mitigation for Furnace Creek development plans and whether tribal members, who have not sought service industry jobs in the past, will staff the proposed inn/retail/restaurant project at Furnace Creek; and asked if the Scotty's Junction parcel, which is outside the Park and has no restrictions on gaming, were to be adopted as the seat of the tribal community, could the current 40-acre Furnace Creek parcel be allowed to return to its natural state.

**Comment Letters:** LEIS 002, 007, 014, 027, 035, 066, 098, 111, 112, 129, 209, 229

**Responses:** The 92 acre-feet/year estimate includes all activities and uses of the Furnace Creek parcel by the Tribe. It does not include AmFac, or uses by the Park. The 40 acres referred to in the comment about Furnace Creek (in the LEIS) is 40 acre feet of water, not land. The 92 acre-feet/year projected use includes the current rate of 40 acre-feet/year, and represents a net increase of 52 acre-feet/year. This water use will be accommodated by instituting repairs and system improvements with no net increase in withdrawals.

Cooperative activities/special uses that may occur inside and outside the Timbisha Shoshone Natural and Cultural Preservation Area would include access for specified periods for purposes of ceremonial and traditional tribal uses that include camping and the gathering of food plants and medicinal plants in designated Wilderness Areas on Death Valley National Park and BLM lands. Tribal contributions to management of resources on NPS, BLM, and U.S. Fish and Wildlife (USFWS) lands would be expected to assist the respective agencies in achieving management objectives and would also enhance the experience of visitors. The range of these activities and their timing will be negotiated between the Tribe and the federal agencies. The *Secretarial Report* specifies that agreements be negotiated to meet both tribal and Park values, needs, and purposes. The authority to manage these lands would be retained by the respective agencies.



Moreover, the Timbisha Shoshone Homeland Act provides that all cooperative activities and agreements entered into between the Tribe, NPS, and BLM would be subject to all existing federal laws and regulations, including the Wilderness Act (Section 5(e)(5)(D)(ii).) Numerous acts, codes, rules, and regulations involving environmental issues are referenced in Volume I, Chapters 3.0 and 4.0. Applicable acts, codes, rules, and regulations are provided in Volume III, Appendix J, "Applicable Laws for Environmental Protection."

In acknowledging the contributions of the Tribe to the history, culture, and ecology of the region, the Proposed Action also calls for the recognition of a Timbisha Shoshone Natural and Cultural Preservation Area on future Death Valley National Park maps.

Consistent with the recommendations of the *Secretarial Report*, the Proposed Action is intended to achieve the following:

- Provide land in trust wherein the Tribe can live permanently and govern its own affairs in a modern community within their ancestral homeland, which lies both outside and inside Death Valley National Park.
- Ensure that the resources inside and outside the boundaries of Death Valley National Park are protected and enhanced by cooperative activities within the Tribe's ancestral homeland and partnerships between the Tribe and NPS and partnerships involving the BLM and USFWS.
- Ensure that such activities are not in derogation of the purposes and values for which the Death Valley National Park was established.
- Provide opportunities for a richer visitor experience inside and outside Death Valley National Park and in certain areas administered by BLM.
- Provide opportunities for economically viable and ecologically sustainable visitor-related development by the Tribe inside and outside Death Valley National Park.

The Tribe has not specified an outline for tribal development. The Tribe has recently created a Tribal Economic Development Committee that will begin to evaluate what economic development opportunities may be available to the Tribe. The goal of the Tribal Economic Development Committee is to prepare a comprehensive planning document that will guide the Tribe's development once a land base is acquired. The Tribe has agreed to share its economic planning document with the local communities wherein tribal lands are to be situated.

The Tribe has not selected a specific site for the permanent seat of Tribal Operations. Currently tribal offices are located in the tribal village at Furnace Creek.

### 3.4 DVJ—DEATH VALLEY JUNCTION

One comment was received regarding the Death Valley Junction parcel. The comment pertained to concerns about the effect of development in the Death Valley Junction area on surface hydrology of the Amargosa River channel that, along with the Ash Meadow National Wildlife Refuge, is home to the *Amargosa nitrophila*, a state and federal endangered plant species.



**Comment Letter: LEIS 112**

**Response:** Implementation of the Preferred Alternative is anticipated to include residential and commercial development on this 1,000-acre parcel. Existing development is protected from sheet flow flooding by a series of levees oriented northeast and southeast in a V pattern, outward from California State Route 190, west of California State Route 127. It is anticipated that commercial development as described in Volume I, Chapter 2.0, would be located inside the levee area, close to State Route 190 or 127. Residential uses would be located farther out from the road. Two defined channels are present on the site directly north of the existing town site and landing strip, west of State Route 127 and south of State Route 190. Development in this area could impact (i.e., result in discharge of fill into) waters of the United States in these channels. Mechanical manipulation within waters of the U.S. would require a U.S. Army Corps of Engineers (USCOE) Section 404 permit.

The Preferred Alternative would entail modification of existing plant communities consisting of sparse creosote bush scrub and shadscale scrub associations. No special-status species have been observed on the site and none are recorded as occurring here, including the *Amargosa nitrophila*. There is a moderate potential for a special-status plant species (golden carpet) to occur on this parcel. Direct loss of special-status plant species or indirect loss through modification of suitable habitat would be an adverse impact of the Preferred Alternative. Confirmation of the presence or absence of special-status plant species when a specific development proposal is brought forward would be required to make a precise determination of effect.

Surface water flows in the Amargosa River, which is located approximately 1 mile east of the Death Valley Junction parcel, are uncommon. Minor withdrawals associated with use of this parcel are expected to have a negligible effect on subsurface flows, and no effect on surface flows in the river.

**3.5 E1A—EDITORIAL-PROCEDURAL: PUBLIC INVOLVEMENT AND AVAILABILITY OF THE DRAFT LEIS**

Seven comments were received concerning public involvement in the Draft LEIS process. The comments pertained to how public comments on the *Secretarial Report* were incorporated into the Draft LEIS and the availability of the Draft LEIS.

**Comment Letters:** 003, 101, 124, 176, 198,

**Response:** Comment noted. The Department of the Interior (DOI), NPS, and BLM published a Notice of Intent (NOI) in the *Federal Register* on April 19, 1999. This notice informed the public of the availability of the *Secretarial Report* and provided background information on the subject lands.

The purpose of that scoping process was to assist the agencies in gathering public input that would shape the analysis in the Legislative Environmental Impact Statement (LEIS), which is a National Environmental Policy Act (NEPA) document. In order to identify issues and concerns to be addressed in the environmental document six public meetings were held on:

- May 24, 1999, in Pasadena, California (3 attendees)
- May 25, 1999, in Ridgecrest, California (3 attendees)
- May 26, 1999, in Lone Pine, California (29 attendees)
- May 27, 1999, in Goldfield, Nevada (12 attendees)
- May 28, 1999, in Pahrump, Nevada (17 attendees)
- July 12, 1999, in Ridgecrest, California (15 attendees)



A total of 79 citizens attended the six public meetings. The scoping period generated a rich array of comments that ranged across a wide spectrum of regulatory, socioeconomic, and environmental issues. Over 550 letters were received during the public scoping period. Comments were received on line and by mail. A Scoping Summary Document was prepared by BLM and NPS that summarizes the results of the public scoping process. The Scoping Summary Document was prepared to identify the issues that are directly related to resource management and the regulatory process that can be addressed by the agencies during the NEPA process. In October 1999, a copy of the 11-page Scoping Summary Document was mailed to everyone who attended the public meetings or commented during the scoping process.

A NOI to prepare an LEIS was published in the *Federal Register* in March 2000 and was circulated to local, state, and federal agencies and other interested parties. The Draft LEIS was the product of the activities described above. A series of public meetings were held in summer 2000 to obtain comments and further refine the LEIS. The LEIS was made available at the Death Valley National Park headquarters, BLM offices, federal repositories, and at local libraries. To manage printing and mailing costs, the Draft LEIS was distributed only to those responding to a mail-back inquiry in February 2000 updating the Death Valley National Park mailing list. The Draft LEIS was also made available for review on the Internet at <http://www3.iwvisp.com/blm/report>.

A series of four public meetings were conducted in early June 2000 to discuss the Draft LEIS with interested members of the public:

- June 5, 2000, in Ridgecrest, California (20 attendees)
- June 6, 2000, in Lone Pine, California (38 attendees)
- June 7, 2000, in Goldfield, Nevada (11 attendees)
- June 9, 2000, in Pahrump, Nevada (8 attendees)

While a number of topics were raised at each meeting, questions and statements predominately focused on the transfer of the Centennial Flat parcel. Of particular interest were potential impacts related to future development of the parcel and how that might affect the water supply for the community of Darwin, California.

The lead agency (NPS) worked with the cooperating agencies (BLM and USFWS) to obtain their comments regarding the scope of the Draft LEIS. (42 U.S.C. 4332(2)(C).) The Draft LEIS contained the required contents specified in NEPA and discussed major points of view relative to environmental impacts and alternatives. (40 C.F.R. 1502.9(a).)

After preparing the Draft LEIS, NPS obtained the comments of other federal agencies with jurisdiction by law over, or special expertise with regard to, the Proposed Action, or agencies that are authorized to develop and enforce environmental standards. Such agencies are required to comment on the Final LEIS. (40 C.F.R. 1503.1(a), 1503.2.)

The comment period of the Draft LEIS was initially scheduled for May 19 through July 30. The comment period was extended twice: (1) from July 30 to August 10 and (2) from August 10 to August 21.

The organization and presentation of responses to public comments is discussed in Volume II, Chapter 1.0, of the Final LEIS.



### 3.6 E1B—EDITORIAL-PROCEDURAL: LEIS CONSISTENCY WITH NEPA AND TRIBAL MANAGEMENT OF THE LANDS

Fourteen comments were received asking whether the LEIS is consistent with NEPA and expressing concerns regarding tribal management of the identified lands. The comments pertained to the legal adequacy of the Draft LEIS, and its consistency with NEPA requirements and NPS and BLM management plans; public access to lands subject to cooperative activities/special uses; tribal management of the lands identified in the Proposed Action; the removal of public lands for private use; and the precedence that would be established by the Proposed Action on the future of National Parks.

**Comment Letters:** LEIS 002, 004, 007, 041, 043, 070, 074, 089, 199, 200, 205, 206, 214A

**Response:** This document has been prepared to meet requirements for an LEIS, in compliance with NEPA (40 C.F.R., Parts 1500–1508) and the *National Environmental Policy Act Handbook (BLM Publication H-1 790-1)* and *National Park Service-12 National Environmental Policy Act Guidelines*. Moreover, the Timbisha Shoshone Homeland Act complies with applicable federal and state environmental requirements. Numerous acts, codes, rules, and regulations involving environmental issues are referenced in Volume I, Chapters 3.0 and 4.0. Applicable acts, codes, rules, and regulations are provided in Volume III, Appendix J, “Applicable Laws for Environmental Protection.” Public access would not be denied to lands that could be subject to cooperative agreements/special uses (including the Saline Valley Warm Springs) or the Timbisha Shoshone Natural and Cultural Preservation Area identified in the Act. Members of the Timbisha Shoshone Tribe would have access to this area to visit and camp as well as to engage in traditional practices pursuant to a cooperative agreement between the Tribe and NPS, which would be consistent with existing laws and regulations established for the management and stewardship of the Park. Moreover, the parcels identified for purchase from willing sellers would not change public access; the land would remain private.

Identified lands for transfer to the Bureau of Indian Affairs (BIA) to hold in trust for the Tribe would be managed by the Tribe. The authority to manage lands subject to cooperative agreements/special uses would be retained by the respective agencies (NPS, BLM, and USFWS).

### 3.7 E1C—EDITORIAL-ADMINISTRATIVE: CULTURAL RESOURCE COMPLIANCE

Three comments were received regarding cultural resources. The comments concerned Section 106 of the National Historic Preservation Act and its applicability to the Proposed Action; and the public’s access to the cultural resource document (Fowler report) cited in the Draft LEIS, which supports the historical significance of the parcels and lands subject to cooperative activities/special uses.

**Comment Letters:** LEIS 010, 198

**Response:**

Section 106 of the National Historic Preservation Act

Comment noted. The Proposed Action may be subject to the National Historic Preservation Act (NHPA) of 1966. NHPA requires federal agencies to give consideration to historic properties determined to be significant (properties listed on or determined to be eligible for the National Register of Historic Places) prior to expending funding for or authorizing or licensing a federal project or permit. It sets a procedure of consultation with the State Historic Preservation Officer (SHPO), as established by the Act, and includes the establishment of the Advisory Council on Historic Preservation (ACHP). The ACHP is an independent agency that reviews those cases in which the federal agency and the SHPO cannot come to an agreement, and those cases where adverse effects will occur to significant cultural properties. This consultation process is to ensure significant cultural properties are not unnecessarily destroyed but are



protected and considered to an extent that is possible and practical. NEPA requires agencies to include in their decision-making processes: (1) appropriate consideration of all environmental effects and (2) procedures to avoid or minimize adverse effects and restore and enhance environmental quality as much as possible.

The Preferred Alternative could result in actions that generate a significant adverse impact to known or undiscovered cultural resources during future construction. There are at present no known federal plans to develop any of the federal lands affected by the Preferred Alternative. Future private development could further affect the integrity of some of these resources. It is presumed that degradation caused by erosion, casual collection, and deterioration to features is more likely to happen when the cultural resource comes in contact with people. Such sites could become less suitable for ethnographic uses as more people come near them. The significance and integrity of historical properties and cultural landscapes are also potentially subject to inadvertent damage and site degradation by increasing contact with people.

#### Fowler Report

Comments noted. In accordance with the Archaeological Resources Protection Act of 1979 (as amended [ARPA, 16 U.S.C. 470aa-470ll]) and public policy concerns protecting cultural resources such as spiritual and ceremonial lands from illegal excavation, reports identifying such resources have been omitted from Volume III (Appendices) of this LEIS. Additional information from the Fowler report regarding historic use of areas considered in the LEIS is provided in Volume I Chapter 3 of the LEIS, without providing site-specific details.

### **3.8 E1D—EDITORIAL-PROCEDURAL: QUANTITATIVE AND QUALITATIVE INFORMATION PROVIDED AND STUDIES PERFORMED**

One hundred twenty comments were received concerning quantitative and qualitative information provided in and studies performed for the Draft LEIS. The comments pertained to fauna and flora; water supply and existing water rights; future development; geography; total acreage involved for the Timbisha Shoshone Natural and Cultural Preservation Area and lands subject to cooperative activities/species uses; proper survey methodology and studies regarding the affected environment of the Proposed Action; and commercialization of traditional cultural and religious activities. One comment specifically asked whether federal reserved water rights should be adjudicated and determined by the courts.

**Comment Letters:** LEIS 009, 023, 028, 037, 038, 041, 042, 043, 049, 051, 052, 054, 055, 057, 061, 064, 067, 068, 069, 071, 072, 072A, 073, 075, 077, 082, 083, 090, 091, 094, 096, 097, 099, 100, 102, 105, 106, 107, 108, 109, 110, 112, 113, 117, 118, 119, 121, 122, 125, 127, 128, 130, 131, 132, 134, 135, 136, 137, 138, 139, 140, 141, 144, 145, 146, 146A, 148, 149, 151, 152, 155, 156, 157, 158, 159, 160, 161, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 177, 178, 179, 181, 183, 184, 185, 186, 187, 188, 191, 192, 193, 194, 196, 197, 199, 203A, 204, 206, 216, 217, 221, 226, 227, 229, 230, 233, 235, 238

#### **Response:**

##### Quantitative and Qualitative Information in the LEIS

This document is referred to as a Final Legislative Environmental Impact Statement (LEIS) and has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969. (42 U.S.C.A. 4332(2)(C); See also 40 C.F.R. 1508.9) NEPA and regulations created by the Council on Environmental Quality (CEQ) (40 C.F.R. 1508.9) provide that any "proposal for legislation" must be accompanied by an Environmental Impact Statement (EIS). (42 U.S.C.A. 4332(2)(C).) An LEIS is an abbreviated version of the typical EIS process and may be prepared on an expedited timetable to ensure proper consideration in Congressional hearings and deliberations. Special rules apply to the preparation and review of an LEIS, pursuant to 40 C.F.R. 1506.8. (See LEIS Volume I, Chapter 1.0, Section 1.1, page 1.)



The lead agency and cooperating federal agencies are confident that the studies performed in preparation of the Environment and Affected Resources (Volume I, Chapter 3.0) and Potential Environmental Consequences (Volume I, Chapter 4.0) chapters comply with 40 C.F.R. 1506 of NEPA. Water resources have been evaluated on each of the parcels designated for transfer to the Tribe. Water reports and studies relied upon in preparing the water analysis for the LEIS can be found at Appendices E, R, V, and W. The NPS, BLM, and BOR have accepted the analyses presented in the LEIS pertaining to water quantification at parcels considered for transfer.

Several field surveys were conducted to assess flora and fauna that may exist on the lands identified for transfer, on lands within the recognized Timbisha Shoshone Natural and Cultural Preservation Area, and lands that may be subject to cooperative activities/species uses. Surveys were conducted on January 18 through 21 and February 23 and 24, 2000, to characterize plant communities and associated flora. Field investigators conducted site reconnaissance surveys, compiled (seasonally limited) inventories of observed plant species, and evaluated habitats for the potential to support special-status plant species. Plant species identified in the areas subject to the Proposed Action are listed in Volume I, Table 9. Sensitive plant species possibly occurring at specific locations within the identified lands considered in this LEIS are discussed in Volume I, Section 3.6.3 ("Special-Status Plant Species") and summarized in Volume I, Table 10. Potentially affected wildlife at each parcel were characterized during site reconnaissance surveys conducted on January 18 through 21 and February 23 and 24, 2000, by Harding Lawson Associates (HLA). Follow-up surveys were conducted on June 21, June 22, and July 4 through August 7, 2000, for the Mohave ground squirrel and Mojave desert tortoise, respectively.

#### Plant and Wildlife Study Methodologies

Plant and wildlife surveys were completed by qualified biologists with experience in the flora and fauna of the Mojave Desert and Death Valley. Plant and wildlife study methodologies are provided in Volume I, Sections 3.6.1.3 and 3.7.1.3, and Volume III, Appendices X, Y, and Z.

Vegetation was characterized by walking through representative portions of lands proposed for transfer and inventorying observed species. Plants were identified following nomenclature in the *Jepson Manual Higher Plants of California* (Hickman 1993), *A California Flora and Supplement* (Munz 1968), and various other floras and field guides (Abrams 1940; Ferris 1981; Hitchcock 1971; Jaeger 1991; Munz 1974; and Niehaus 1976). To assess the potential for special-status wildlife species to occur in the vicinity of lands proposed for transfer, acquisition and transfer, and cooperative activities/special uses, field reconnaissance information was gathered on January 18 through 21 and February 23 and 24, 2000. Field data was gathered to characterize the wildlife habitat in the region and lands subject to actions under consideration in the legislation. In addition, a review was made of California Natural Diversity Database and Nevada Natural Heritage Program records for the area covered by U.S. Geological Survey (USGS) quadrangles for Furnace Creek, Nevares Peak, east of Nevares Peak, Devil's Speedway, Devil's Golf Course, Echo Canyon, Ryan, Beatty Junction, Death Valley Junction, Green Water Canyon, east of Ryan, west of Eagle Mountain, Franklin Well, Centennial Canyon, Centennial Flat, and Talc City Hills.

Potentially affected wildlife in each proposed parcel was characterized by reviewing available documents, California Natural Diversity Database and Nevada Natural Heritage Program research, contacting agency staff at NPS, BLM, and USFWS, and through a site reconnaissance conducted on January 18 through 21 and February 23 and 24, 2000, by Harding Lawson Associates (HLA), as well as follow-up surveys performed on June 21, June 22 and July 4 through August 7, 2000.

The initial wildlife and habitat survey addressed two issues: (1) recording and verifying habitat makeup of the proposed parcel, and (2) recording and verifying the presence of regional and special-concern species that have been recorded or have the potential to occur on a proposed parcel.



Information regarding wildlife resources occurring in the study area and presented in the LEIS was gathered from a combination of field investigations, a review of published literature and survey records, and consultations with resource agencies within their respective jurisdictions. Onsite investigation consisted of direct survey and observation of each project site for evidence of burrows, burrow aprons, scat, and tracks. Plant communities onsite were also used as indicators of potentially occurring wildlife species. Any wildlife sighted was photographed, if possible, and observations were recorded for subsequent inclusion in the LEIS. Surveys were conducted throughout the day starting at sunrise and continuing until dusk. Special consideration was given to being onsite at periods during the day that might yield peak movement of wildlife. Several mines are located on lands proposed for transfer or acquisition and transfer at Lida. The entrances to these mines were inspected for sign of use by bats. No bats were sighted although there was evidence of their presence in the form of scat located on the floor of each mine near the entrance.

Species observed or expected onsite are discussed along with special-status wildlife species for which suitable habitat occurs within the parcels. Regionally occurring special-status species are listed in Volume I, Table 11. In addition, regionally occurring, protected or special-status species that were observed or have the potential to occur on lands identified for transfer, acquisition and transfer, or cooperative activities/special uses are located in Volume I, Table 12 along with their federal and state status.

#### Future Development and Commercialization of Traditional Cultural and Religious Activities

The purpose and need of the LEIS is to provide for the transfer of federal lands to the Timbisha Shoshone Tribe. Analysis of future development on lands transferred to the Tribe is beyond the scope of the LEIS. Moreover, the Tribe has not specified an outline for tribal development on the parcels selected for transfer to the Tribe. The Tribe has recently created a Tribal Economic Development Committee that will begin to evaluate what economic development opportunities may be available to the Tribe. The goal of the Tribal Economic Development Committee is to prepare a comprehensive planning document that will guide the Tribe's development once a land base is acquired. The Tribe has agreed to share its economic planning document with the local counties wherein tribal lands are to be situated.

#### Total Acreage of the Timbisha Shoshone Natural and Cultural Preservation Area

The overall area within the depicted limits of the Timbisha Shoshone Natural and Cultural Preservation Area (Volume I, Map 7) is approximately 1.5 million acres. The purpose of the Timbisha Shoshone Natural and Cultural Preservation Area is to recognize the historical, cultural, and ecological link between the Timbisha Shoshone Tribe and this area on future Death Valley National Park maps. The area extends from near the southwest border of Death Valley National Park along the western axis of the Park, including portions of the Nelson and Panamint Mountain ranges, to the north end of the Park. This area is generally depicted on Map 7 (Volume I). The area includes lands administered by NPS and BLM. This is not a land designation and, thus, primary management authority would remain with the existing agency.

#### Federal Reserved Water Rights Should Be Adjudicated

Establishing Native American reserved water rights before establishment of a Native American Homeland is the approach undertaken by Congress in the legislation. The federal government is reluctant to recommend that lands be set aside for a Tribe without some assurance that the land will have sufficient water to support the Tribe and its future needs. State and local governments, as well as private landowners, also prefer that Native American reserved water rights are established before a Native American Tribal Homeland is established. The legislation sets forth a quantified annual volume of water for each of the parcels identified for transfer to the Tribe.



### 3.9 E1E—EDITORIAL-PROCEDURAL: ALTERNATIVE SITES

One comment was received regarding alternative plans. The comment was interpreted to mean that alternative locations were not considered.

#### Comment Letters: LEIS 030

**Response:** Comment noted. The process leading to the legislative proposal for establishment of a Tribal Homeland and for cooperative activities has been a progressive, interactive one on a government-to-government level between the Tribe and contributing federal agencies leading to the development of a specific series of actions put forward in the legislative proposal. The process derived from ground rules established at the outset of the process (see Volume III, Appendix S, "*Secretarial Report*"). The process was guided by a statement of shared interests of the Timbisha Shoshone Tribe and the United States Government. NPS and BLM management objectives were incorporated into the process of the proposal, evaluation, and refinement of actions that have become part of the legislative proposal.

Because the process has been progressive, resulting in a proposal involving specific lands and activities within the Timbisha Shoshone ancestral homeland, other Action Alternatives were not brought forward for detailed analysis in this LEIS.

The location and amount of land considered for inclusion in the Proposed Action evolved during the course of negotiations. While not developed as an alternative, several lands were identified but not included as part of the Proposed Action because they did not meet the criteria set forth in the *Secretarial Report* (Volume III, Appendix S.). While the LEIS does not provide a "Range of Alternatives" discussion, it does provide the reader with an understanding of parcels and other land areas considered by the Tribe and the reasons these lands were ultimately dropped from the Proposed Action (see Volume I, Chapter 2.0, Section 2.4, pgs. 23–26).

### 3.10 E1F—EDITORIAL: WILLING SELLER

One comment was received concerning a "Willing Seller." The comment asked for a definition of the term *willing seller* and how it applies to the Indian Rancheria parcels.

#### Comment Letters: LEIS 067

**Response:** The term *willing seller* for the purposes of this LEIS can be generally defined as: an agreement by a seller, who is of sound mind and possesses title of land in fee simple absolute, and who wishes to sell his or her land; and the Secretary of the Interior that calls for conveyance of interest in real estate to be held by the BIA in trust for the Tribe. NPS has been informed by one private landowner at Indian Rancheria that they are not interested in selling an undivided 50 percent interest of their parcel (40 acres). NPS and the Tribe are attempting to contact the heirs of Guadalupe Hunter to pursue the possibility of purchasing the remaining 80 acres of the public allotment.

### 3.11 E1G—EDITORIAL-TECHNICAL: INACCURACIES

Seventy-two comments were received concerning inaccuracies within the Draft LEIS. The comments stated that pages are missing from Appendix E; the list of tables in the Table of Contents is inaccurate; the quantity of permitted and certified groundwater rights in Margosa Desert should be listed as 26,500 acre-feet rather than 40,000 acre-feet; Nye County population estimates should be updated; Nye County is not home to the Stealth Bomber; there are no wells in Darwin; the *Draft Secretarial Report* is incorrectly referenced as Appendix C rather than Appendix S; the level of anticipated uses is inconsistent for Indian



Rancheria; and AmFac water rights are incorrectly described as 2,064 cubic feet per second and should be listed as 2.064 cubic feet per second.

**Comment Letters:** LEIS 019, 026, 028, 051, 052, 054, 059, 067, 068, 069, 072A, 073, 105, 106, 107, 108, 109, 110, 118, 121, 127, 128, 135, 136, 137, 138, 139, 140, 141, 144, 145, 146, 146A, 148, 149, 152, 155, 156, 157, 158, 159, 160, 161, 162, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 181, 184, 185, 186, 187, 188, 191, 196, 197, 203A, 204, 206, 221, 229, 230, 231, 235

**Response:** Comments noted. Corrections made in Volume I of the Final LEIS and updates and clarifications to technical information have been and are provided in underline and strikeout text. Pages missing from the Appendix E have been provided.

### 3.12 E1H—EDITORIAL-TERMINOLOGY: CLARIFICATIONS AND ADDITIONS

Twenty-three comments were received requesting clarifications and additions to the Draft LEIS. The comments asked whether the Proposed Action would change the designated status of Wilderness Areas; asked whether there are any constraints in the BLM management plan excluding casino development for lands identified for transfer; asked for the definition for small-scale development; asked for the definition of *reservation* versus *homeland*; asked for the definition of *co-management*; asked for a definition of the criteria used to identify suitable lands in the Proposed Action; asked about existing Memorandums of Understanding (MOUs) between the Tribe and Death Valley National Park; asked for the specific timetable and responsible agency for every item designated as a “future action;” asked for provisions to permit and allow the public to track the status of the project; asked for the quantification of reserved federal water rights associated with the transfer of lands; asked for information on the regionally cumulative direct and indirect impacts on water resources; asked about mitigation measures; asked about services and utilities; requested details regarding (1) limits on gathering and hunting, (2) the impact of cooperative agreement activities on plants, water use, and development, and (3) the impact from tourism; and requested clarification about the possibility of urban encroachment in undeveloped areas such as the Centennial parcel.

**Comment Letters:** LEIS 001, 019, 035, 036, 050, 107, 113 190, 191, 191A, 191B, 197, 198, 199, 204, 205, 206, 215B, 216, 219, 229, 230, 231, 233, 235

**Response:** Comments noted. Additions made in Volume I of the Final LEIS regarding these issues are provided in underline text.

#### Wilderness

Lands identified for transfer are designated by BLM as multiple-use and are not designated as Wilderness. Although 95 percent of the lands within the recognized Timbisha Shoshone Natural and Cultural Preservation Area are designated as Wilderness, the intent and spirit of the Timbisha Shoshone Homeland Act is to acknowledge the historical, cultural, and ecological link of the Tribe to this area; the Timbisha Shoshone Natural and Cultural Preservation Area is not a land designation and the lands will remain Wilderness.

The Timbisha Shoshone Homeland Act provides that all cooperative activities and agreements entered into between the Tribe, NPS, and BLM will be subject to the Wilderness Act. (Section 5(e)(5)(D)(ii).) The LEIS further states that all cooperative activities and agreements between the Tribe, NPS, and BLM will be subject to all existing federal laws and regulations, which would include the Wilderness Act. The Tribe, the same as the general public, would be subject to all the limitations and restrictions of the Wilderness Act while carrying out any activities within the Park.



### Co-Management

The terms *co-management* or *cooperative management* are not used in the Timbisha Shoshone Homeland Act or associated LEIS. Rather, the terms used include *cooperative activities* and *cooperative agreements*. These terms are defined in Volume I, Chapter 6.0 of the LEIS. *Cooperative activities* are defined as: Activities within the Timbisha Shoshone ancestral homeland that are consistent with tribal practices and ensure resources inside and outside the Park are protected and enhanced. *Cooperative agreements* are defined as: Legal binding agreements between the Timbisha Shoshone Tribe and the National Park Service, Bureau of Land Management, or U.S. Fish and Wildlife Service for tribal access to and use of designated lands.

### Anticipated Future Small-Scale Development

For the purposes of this LEIS, the term *future development* means the possible future use of transferred parcels involving permanent structures or other improvements. Future development is not examined in detail in this LEIS because, with the exception of some concept-level plans for Furnace Creek, the Tribe has not developed specific proposals for any of the transferred parcels.

The demand for additional lodging in the Furnace Creek area is undetermined but it is anticipated that providing additional lodging in the Park would be economically viable. Additional commercial development in the Park would incrementally increase the demand for public services and supplies, police and fire services, and infrastructure requirements (telephone, electrical power, water supply, and wastewater treatment and disposal). Water and wastewater services would be incorporated into the Park's system and police and fire services would be provided by the Park.

Additional commercial and residential development at Death Valley Junction and Scotty's Junction would incrementally increase the demand for public services and supplies; police, fire, and medical services; and infrastructure requirements (telephone, electrical power, water supply, and wastewater treatment and disposal). These services, with the exception of law enforcement, would be the responsibility of the Tribe, either to provide for themselves or to contract with local providers (e.g., medical services).

The Tribe currently has no economic development plan that will lend greater definition to the LEIS term *small-scale economic development*. The Tribe has recently created a Tribal Economic Development Committee that will begin to evaluate what economic development opportunities may be available to the Tribe. The goal of the Tribal Economic Development Committee is to prepare a comprehensive planning document that will guide the Tribe's use of Trust lands once a land base is acquired. The Tribe has agreed to share its economic planning document with the local counties wherein tribal lands are to be situated.

### Suitability Criteria for Identified Parcels

The parcels identified for land transfer were selected with consideration of the following suitability criteria as set forth in the *Secretarial Report* (Volume III, Appendix S). The criteria, as stated below, were added to Volume I, Chapter 2.0 of the Final LEIS:

- The historical tribal relationship to the land
- Effects of climate and geography
- Availability of water and existence of natural resources
- Availability of infrastructure, such as roads, power lines, and other public services
- The potential for sustainable tribal development
- Potential for housing
- Compatibility with existing land uses
- Special land use designations such as National Park land, Wilderness, critical habitat, and areas of critical environmental concern



- Existing encumbrances such as mining claims, leases, and rights-of-way
- The Tribe's historical residential and cultural use areas

#### Ability to Track The Status of The LEIS and Future Associated Projects

Interested parties can follow the status of future projects associated with the Timbisha Shoshone Homeland Act by checking the *Federal Register* and notices and press releases circulated to local, state, and federal agencies; newspapers; and other local media. Interested parties can also contact the Tribe directly.

Consistent with the Proposed Action (Volume I, Chapter 2.0) all future cooperative agreements/special uses agreed to by the Tribe and federal agencies shall meet both tribal and Park values, needs, and purposes as well as be subject to all existing federal laws and regulations. Numerous acts, codes, rules, and regulations involving environmental issues are referenced in Volume I, Chapters 3.0 and 4.0. Applicable acts, codes, rules, and regulations are provided in Volume III, Appendix J, "Applicable Laws for Environmental Protection."

Specific time frames and agencies involved with future actions cannot be predicted with certainty, since these events will depend upon actions planned for and undertaken by the Tribe. All proposals involving federal actions will be subject to Public Notices and environmental review as required by NEPA and departmental policy.

### **3.13 E2—EXTENSION OF PUBLIC COMMENT PERIOD**

One hundred sixteen comments were received regarding extending the public comment period. The comments pertained to requests to extend the public comment deadline by periods ranging from one to twelve months in order to review the LEIS and check inconsistencies in Draft LEIS Volume I against the Draft LEIS Appendices, independent sources, and the Death Valley National Park Revised EIS/General Management Plan (September 1, 2000); complaints that the Draft LEIS Appendices were not widely distributed and that some local libraries did not have copies of the Draft LEIS; complaints that the Draft LEIS was not made available either by mail or Internet in a timely manner; complaints that Inyo County was not afforded the opportunity to participate as a Cooperating Agency under NEPA in the development of the LEIS; and requests to resist the pressure of politics and money to rush the LEIS process.

**Comment Letters:** LEIS 021, 023, 026, 028, 037, 038, 039, 041, 048, 049, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 068, 069, 071, 072, 072A, 073, 077, 082, 083, 090, 094, 096, 097, 099, 100, 102, 105, 106, 107, 108, 109, 110, 117, 118, 119, 120, 121, 122, 124, 125, 126, 127, 128, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 144, 145, 146, 146A, 147, 148, 149, 150, 151, 152, 155, 156, 157, 158, 159, 160, 161, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 184, 185, 186, 187, 188, 192, 193, 194, 196, 198, 203A, 207, 228, 238

#### **Response:**

##### Draft LEIS Availability

A Notice of Intent (NOI) to prepare an LEIS was published in the *Federal Register* in March 2000 and was circulated to local, state, and federal agencies and other interested parties. The Draft LEIS included input from 79 citizens who attended six public meetings held in May 1999 and over 550 public comment letters received during the public scoping period. A Scoping Summary Document was prepared by BLM and NPS that summarizes the results of the public scoping process. The Scoping Summary Document was prepared to identify the issues that are directly related to resource management and the regulatory process that can be addressed by the agencies during the NEPA process. In October 1999, a copy of the 11-page Scoping Summary Document was mailed to everyone who attended the public meetings or commented during the scoping process.



A series of public meetings were held in summer 2000 to obtain comments and further refine the LEIS. The LEIS was made available at the Death Valley National Park headquarters, BLM offices, and regional libraries. To better manage printing and mailing costs, the Draft LEIS was distributed only to those responding to a mail-back inquiry in February 2000 updating the Death Valley National Park mailing list. The Draft LEIS was also made available for review on the Internet at <http://www3.iwvisp.com/blm/report>.

#### Draft LEIS Public Meetings, Public Comments, and Extensions

A series of four public meetings were conducted in early June 2000 to discuss the Draft LEIS with interested members of the public:

- June 5, 2000, in Ridgecrest, California (20 attendees)
- June 6, 2000, in Lone Pine, California (38 attendees)
- June 7, 2000, in Goldfield, Nevada (11 attendees)
- June 9, 2000, in Pahrump, Nevada (8 attendees)

While a number of topics were raised at each meeting, questions and statements predominately focused on the transfer of the Centennial Flats parcel. Of particular interest were any potential impacts related to future development of the parcel and how that might affect the water supply for the community of Darwin, California. A fifth public meeting was held in Lone Pine, California, on August 10, 2000, primarily to discuss this issue in a public forum.

The lead agency (NPS) worked with the cooperating agencies (BLM and USFWS) to obtain their comments regarding the scope of the Draft LEIS. (42 U.S.C. 4332(2)(C).) The Draft LEIS contained all of the required contents specified in NEPA and disclosed and discussed all major points of view on the environmental impacts and alternatives. (40 C.F.R. 1502.9(a).)

After preparing the Draft LEIS, NPS obtained the comments of other federal agencies with jurisdiction by law over, or special expertise with regard to, the Proposed Action, or agencies that are authorized to develop and enforce environmental standards. Such agencies are required to comment on the Final LEIS. (40 C.F.R. 1503.1(a), 1503.2.)

The comment period of the Draft LEIS was initially schedule for May 19 through July 30. The comment period was extended twice: (1) from July 30 to August 10 and (2) from August 10 to August 21.

### **3.14 HM—HUNTER MOUNTAIN**

Two comments were received regarding the Tribe's goal to protect sacred sites on Hunter Mountain and in the valley below, and its plan to use the Hunter Mountain area for "traditional camps." The comments asked if Hunter Mountain wasn't already protected as an important sacred site by the jointly established management plan between the NPS and the Tribe provided for in the proposed Timbisha Shoshone Natural and Cultural Preservation Area; if in order to protect sacred areas a cooperative agreement with BLM for the Centennial site would not be sufficient in itself rather than allowing residential or commercial development at Centennial; and if the Park will ensure that any "traditional camp" participants using the Hunter Mountain wilderness area will remove all camp structures (even primitive pole and rock structures) when the camps are disbanded.



**Comment Letters: LEIS 111, 216, 219****Response:**NPS Management Plan Protecting Sacred Sites at Hunter Mountain

The intent and spirit of the Timbisha Shoshone Natural and Cultural Preservation Area is to recognize the historical, cultural, and ecological importance of the Tribe to this land on future Death Valley National Park maps. Although the sacred sites located in the general area of Hunter Mountain and the valley below are protected by federal law as well as by the Death Valley National Park Management Plan, the establishment of the Timbisha Shoshone Natural and Cultural Preservation Area would allow the Tribe to enter into cooperative agreements with the NPS to aid in the management of these sacred sites.

Protecting Sacred Areas at Centennial via a Cooperative Agreement

The Centennial parcel is an important cultural and historical resource for the Tribe. It meets the suitability criteria as set forth in the *Secretarial Report* (Volume III, Appendix S). The suitability criteria are provided in the Final LEIS, Volume I, Chapter 2.0.

Removing Camp Structures

Traditional camp participants, including the Tribe, would be subject to all NPS guidelines and the Death Valley National Park Management Plan. The cooperative agreement will specify the types and intensities of use, and may include criteria for camp structures, if necessary to be consistent with the General Management Plan and other Park policies.

**3.15 HT—HUNTING**

Three comments were received regarding the issue of hunting in the proposed Timbisha Shoshone Natural and Cultural Preservation Area. The comments pertained to the question of whether, under a “cooperative agreement,” the Park will allow hunting of bighorn sheep, which is identified in the LEIS as an important cultural practice and currently only takes place on California lands the state has determined have an overpopulation of bighorn sheep. The comments also expressed the desire to ensure hunting is not allowed in the Park under any circumstances.

**Comment Letters: LEIS 043, 050, 205**

**Response:** The Timbisha Shoshone Homeland Act prohibits the Tribe from taking wildlife in the Park. (See Section 5(e)(3).) Because of this statutory prohibition on the taking of wildlife in the Park, NPS determined that there was no reason or cause to include an impact discussion on this issue in the LEIS. Moreover, the Timbisha Shoshone Homeland Act provides that all cooperative activities and agreements entered into between the Tribe, NPS, and BLM would be subject to all applicable federal laws and regulations, including the Wilderness Act (Section 5(e)(5)(D)(ii)). Numerous acts, codes, rules, and regulations involving environmental issues are referenced in Volume I, Chapters 3.0 and 4.0. Applicable acts, codes, rules, and regulations are provided in Volume III, Appendix J, “Applicable Laws for Environmental Protection.” Accordingly, hunting would not be allowed within Death Valley National Park.

**3.16 HU—HISTORICAL USES**

Forty-eight comments were received regarding the historical tribal use of the Saline Valley Warm Springs and Hunter Mountain area for healing and ceremonial purposes. The comments pertained to the lack of non-LEIS documentation of historical tribal use of the area; the lack of access to anthropologist Catherine Fowler’s report on historical tribal use; the need for clarification of the rights of other historical users such as non-tribal visitors and other Native American groups; and the lack of details about the Tribe’s



plans for Saline Valley Warm Springs and analysis of the impact those plans may have current Saline Valley Warm Springs visitors.

**Comment Letters:** LEIS 004, 006, 012, 028, 037, 041, 049, 051, 054, 062, 067, 068, 069, 071, 072, 082, 086, 089, 091, 099, 100, 106, 107, 115, 119, 125, 134, 141, 146, 146A, 151, 153, 155, 162, 165, 176, 183, 193, 194, 199, 201, 202, 203A, 206, 215B, 220, 228, 230, 231

**Response:**

Historical Tribal Use of Saline Valley Warm Springs and Hunter Mountain

The Saline Valley Warm Springs were highly valued and widely used for healing and medicinal purposes by the older generation of contemporary tribal members. The Timbisha Shoshone who used them within living memory were the members of the Hunter family from Saline Valley. Sarah Hunter actually planted the palm trees at Palm Spring, bringing them from Death Valley. She also herded horses in that area, considering it part of the Hunter Ranch range. Even though these hot springs continue to have spiritual significance to the Timbisha Shoshone people, they are not currently used for organized tribal activities or ceremonies.

Similarly, Hunter Mountain was highly valued and widely used by the Tribe because of its importance of the springs and desert bighorn sheep.

Fowler Report

Comments noted. In accordance with the Archaeological Resources Protection Act of 1979 (as amended) (ARPA, 16 U.S.C. 470aa-470ll), and public policy concerns about protecting cultural resources such as spiritual and ceremonial lands from illegal excavation, reports identifying such resources have been omitted from the Appendices (Volume III) of this LEIS.

Public Access to Lands that May Be Subject to Cooperative Agreements/Special Uses

Access to the public, including other local Native Americans, will not be denied in the cooperative agreement areas identified in this Act (including Saline Valley Warm Springs). The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs. These agreements would provide the Tribe with access to and use of certain specified areas under the jurisdiction of NPS, BLM, and USFWS for cooperative activities with the intent of maintaining and enhancing the biological and cultural values of those areas. All cooperative agreements would conform to objectives described in management plans for the specified areas, and shall comply with applicable state and federal regulations. The Timbisha Shoshone Homeland Act has received tribal resolution support from the following local Tribes: Lone Pine Paiute-Shoshone Tribe, Fort Independence Indian Reservation Tribe, Big Pine Paiute Tribe, Bishop Paiute Tribe, and the U-tu Utu Paiute Tribe.

Tribe's Plans for Saline Valley Warm Springs

The Tribe has not delineated a detailed outline of cooperative activities/special uses it wishes to negotiate with the NPS. The Tribe anticipates, as noted in the *Secretarial Report* (Volume III, Appendix S), that the cooperative activities/special uses could include access for purposes of ceremonial uses, camping, gathering of food and medicinal plants, and to assist the NPS in achieving management objectives. The *Secretarial Report* specifies that agreements meet both tribal and Park values, needs, and purposes. In terms of special or exclusive uses of the Saline Valley Warm Springs, the Tribe would be subject to the same process of consideration and temporary use permit as any other individual or group seeking temporary use of a Park area.

Cooperative agreements considered by the Tribe and BLM would be subject to all applicable federal laws, executive orders, departmental guidelines, and bureau policies and practices. Any future developmental or



program action undertaken as a cooperative activity/special use would be subject to an appropriate level of environmental review. Public access would not be eliminated to areas selected for cooperative agreements.

### 3.17 IR—INDIAN RANCHERIA

Twenty-six comments were received regarding the Indian Rancheria site. The comments pertained to the lack of identification of the specific parcels included in the 120-acre Indian Rancheria site; the issue of whether the current land owners were consulted during preparation of the LEIS and if they are willing to sell; the occurrence of conflicting statements regarding development at Indian Rancheria on pages 14 (same as in the past plus small joint NPS/tribal office), 88 (no development), 93 (limited economic activities are anticipated), 95 (may be developed in the future), and 97 (no specific development is anticipated); the question of whether the transfer of privately-owned land into federal control and plans for development at Indian Rancheria will result in reduced tax revenues and increased costs for public services from Inyo County; a suggestion that land currently owned by tribal members in the Indian Rancheria area would be sufficient to meet the Tribe's needs without requiring the purchase of land from unwilling sellers; the questions of (1) whether the Tribe's historical presence at Indian Rancheria is adequate proof of its historical use of Saline Valley Warm Springs, which is approximately eight miles away, and (2) if the Tribe still has historical claim to the Indian Rancheria area in light of the fact that they abandoned the property 80 years ago; and a request to include in the LEIS the anticipated purchase prices for the Indian Rancheria parcels.

**Comment Letters:** LEIS 001, 013, 016, 021, 041, 042, 049, 051, 052, 060, 062, 067, 068, 069, 071, 072, 077, 082, 102, 107, 111, 198, 202, 204, 206, 215A, 235

#### **Response:**

##### History of Ownership of Indian Rancheria

Historically, Indian Rancheria included two 80-acre parcels. The legislation calls for authorization to purchase from willing sellers the two parcels identified as Indian Rancheria (approximately 120 acres) and appurtenant water rights or water rights held separately to be taken into trust for the Tribe by the Secretary of the Interior. Forty acres of the 120-acre purchase would come from part of an 80-acre parcel that is held privately. The remaining 80 acres consist of a parcel held in trust by the BIA as a public allotment.

One parcel was owned by Tom and Guadalupe Hunter and the other by Caesar; both families were members of the Timbisha Shoshone Tribe. Indian Rancheria was a reservation area until 1958. Caesar's allotment was apparently sold in the 1950s to a non-Native American. This sale took the land out of Trust status. In the available historical files dating from 1885, the Hunter parcel is held in Indian Trust by the BIA as a public allotment by the decedents of Tom and Guadalupe Hunter. The second parcel is held by a private individual. If the landowner is not a willing seller, or if terms cannot be negotiated satisfactorily for both parties, the land will not be acquired by the government.

##### Location of Indian Rancheria Parcels

Indian Rancheria is located in central Saline Valley, 20 miles northwest of Ubehebe Peak, south of Saline Valley Dunes, and northwest of Salt Lake, and is near the Death Valley National Park boundary (see Volume I, Map 9).

##### Historical Importance of Indian Rancheria to the Tribe

Historically, the area surrounding the Hunter and Caesar parcels is considered an important resource to the Timbisha Shoshone (Fowler et al. *Anthropological Data*, 1995). Although precontact behavior patterns are often the focus of attention, the importance of historical Shoshone lifeways also warrants



recognition. There were five families or camps, including those headed by Joaquin, Tom Hunter, Patu'ku, Caesar, and Caesar's father. The people used the entire region for subsistence activities, including hunting deer and small game animals in the Inyo Range; gathering mesquite and other wild seeds near the village and in the surrounding mountains; and using and trading salt from the salt flats in Saline Valley. At the village site, the people planted gardens for food and for selling produce. This site was also an important gathering place for Timbisha Shoshone people from all the villages in the region for events such as rabbit drives, fall festivals and other ceremonies.

#### Anticipated Uses

Comment noted. Corrections and additions to the text of Volume I are provided in underline (inserted text) and strikeout (deleted text) format. The level of use is envisioned to be residential at approximately the same level that has existed in the past, which included family residents and limited agricultural uses. In addition, there may be a small joint NPS/tribal office for visitor information and resource management for the Saline Valley portion of the Park.

#### Historical Importance of Saline Valley Warm Springs to the Tribe

The Saline Valley Warm Springs are located in the Saline Valley in the northwestern part of Death Valley National Park. The Saline Valley Warm Springs were highly valued and widely used for healing and medicinal purposes by the older generation of contemporary tribal members. The Timbisha Shoshone who used them within living memory were the members of the Hunter family from lower Saline Valley. Sarah Hunter actually planted the palm trees at Palm Spring, bringing them from Death Valley. She also herded horses in that area, considering it part of the Hunter Ranch range. Even though these hot springs continue to have spiritual significance to the Timbisha Shoshone people, they are not currently used for organized tribal activities or ceremonies.

### **3.18 MG—MINING AND GAMING**

Eleven comments were received regarding mining and gambling within the Timbisha Shoshone Natural and Cultural Preservation Area. The comments requested clarification on whether the LEIS or current law will prohibit mining and gambling activities on land transfer parcels located both inside and outside the Park; asked that the discussion of allowances for and prohibitions against gaming in the *Draft Secretarial Report* be included in the LEIS; requested a more thorough discussion of planned or anticipated mining activities; and expressed the desire to have the rights of existing and future mining operations protected in the LEIS.

**Comment Letters:** LEIS 011, 014, 017, 062, 093, 111, 153, 189, 192, 204, 229, 231

#### **Response:**

##### Mining

The Tribe has indicated that it has no interest in pursuing mining as a form of development. The citation of mining referred to possible future uses on federal lands (BLM) in the region as part of the analysis of cumulative impacts. However, it should be noted that should the Tribe at some point in the future consider mining on trust lands, all federal mining laws and regulations would be applicable, as well as review under NEPA and federal and state mining regulations.

The Timbisha Shoshone Homeland Act explicitly provides that all lands taken into trust for the Tribe will be subject to existing valid mining claims. The Tribe holds no such claims. The Act further provides that holders of valid claims will have the right of ingress and egress across tribal trust lands.



### Gaming

In California and Nevada, any proposal for a casino-type gaming operation would require the Tribe to negotiate a compact with the governor of the respective state. Negotiated compacts must be approved by the DOI Assistant Secretary for Indian Affairs.

## **3.19 M1—COOPERATIVE AGREEMENTS**

Fifty-one comments were received regarding cooperative agreements. The comments addressed four topic categories: public interest safeguards, legal issues, Saline Valley Warm Springs, and the Timbisha Shoshone Natural and Cultural Preservation Area boundary.

### Public Interest Safeguards

Regarding the cooperative agreement format, these comments asked: (1) what rights and privileges would be accorded the Tribe; (2) how the rights of the public (e.g., for access to the Park, in particular Saline Valley Warm Springs) would be safeguarded, public grievances addressed, and public input considered; (3) for clarification of the extent, nature, and environmental consequences of activities that will be allowed; (4) how land use and environmental issues would be safeguarded; (5) who has veto power over cooperative agreements, the Tribe or the agency; and (6) does the Tribe have the capacity, competence, and interest to participate in resource management.

### Constitutional and Statutory Issues, and Legal Designation

These comments pertained to the questions of whether: (1) the land transfer proposal would be in violation of federal civil rights statutes with respect to the possibility of limiting use of public assets on the basis of race; (2) the land transfer proposal means the Park will become a *de facto* Native American reservation; and (3) the goal of the land transfer could be achieved using existing Memorandum of Understanding laws; and (4) cooperative activities can take place in Wilderness Areas, which are governed by the Wilderness Act and California Desert Protection Act of 1994 that mandate providing specific management proposals before agreements are made.

### Saline Valley Warm Springs

These comments asked (1) what the term “greater tribal presence” means (e.g., would the Tribe control the springs, possibly charge admission, exclude the public, or build structures); (2) if vehicle access to road and trails would be restricted; (3) for clarification of how tribal and non-tribal use of the springs would be determined; (4) if the Tribe is really interested in cooperatively managing the springs given that they have not used, or maintained a presence at, the springs; and (5) if a cooperative agreement at Saline Valley Warm Springs would include the input and needs of the existing non-tribal community, which has used the springs for the past 50 years.

### Timbisha Shoshone Natural and Cultural Preservation Area Boundary

These comments asked for a map that shows all the cooperative agreement or special use areas; asked for clarification about the acreage of the Timbisha Shoshone Natural and Cultural Preservation Area (i.e., 750,000 or 1.5 million acres); and suggested the Timbisha Shoshone Natural and Cultural Preservation Area be established one parcel at a time to allow time to create cooperative agreements on a parcel-by-parcel basis and determine the level of interest among tribal members regarding relocating to Timbisha Shoshone Natural and Cultural Preservation Area areas.

**Comment Letters:** LEIS 001, 002, 009, 014, 015, 016, 028, 036, 037, 038, 042, 043, 050, 060, 064, 074, 077, 089, 090, 099, 100, 102, 106, 111, 115, 119, 120, 123, 125, 141, 146, 146A, 154, 155, 162, 165, 176, 182, 183, 193, 194, 195, 198, 205, 214, 215A, 215B, 230



**Response:**

Public Interest Safeguards

Cooperative agreements are defined as agreements between the Tribe, NPS, and BLM that ensure proposed cooperative activities are not in derogation of the purpose and values for which Death Valley National Park was established and are consistent with applicable plans and policies governing lands managed by BLM (see Volume I, Chapter 2.0, pg. 16). Cooperative agreements considered by the Tribe, NPS, and BLM would be subject to all applicable federal laws, executive orders, departmental guidelines, and policies and practices.

The existing agency (NPS or BLM) would remain the trustee of the lands subject to the cooperative activities/special uses.

Any future action undertaken as a cooperative activity/special use would be subject to an appropriate level of environmental review via federal law and tribal law. NEPA provides that any future tribal development that involves federal funding or permitting will require NEPA review; this includes housing and economic development. Future tribal development that does not involve federal funds or permitting will be subject to environmental review under the Tribe's own environmental laws and guidelines. With funding from the U.S. Environmental Protection Agency (EPA), the Tribe is developing a Tribal Environmental Protection Act (TEPA) that will require environmental review of tribally funded projects. The type of environmental review afforded under the TEPA will mirror NEPA in many respects.

Constitutional and Statutory Issues, and Legal Designation

The land transfer proposal would not be in violation of federal civil right statutes with respect to the possibility of limiting use of public assets on the basis of race because the Timbisha Shoshone Homeland Act does not limit public use of lands above existing federal laws; thus, the Fifth Amendment Equal Protection Act is not impacted. The intent and spirit of the Timbisha Shoshone Homeland Act is found in the statement of Purpose and Need (Volume I, Section 1.3, pgs. 4-5) which states: "The establishment of a tribal homeland and viable tribal communities and the development of cooperative agreements would serve to rectify the Tribe's current condition. Establishment of a tribal homeland would allow the Tribe to exercise self-determination as a sovereign nation, establish economic sustainability, and establish tribal eligibility for special programs for the benefit of Native Americans."

The transfers and acquisitions would be for the purpose of creating a tribal homeland in and around Death Valley National Park pursuant to the study authorized by Section 705(b) of the California Desert Protection Act of 1994 (LEIS Volume I, Section 1.2, pg. 3). Accordingly, the status of Death Valley National Park would remain as a National Park.

Cooperative activities may take place in Wilderness Areas. The Wilderness Act and California Desert Protection Act of 1994 both require specific management proposals before agreements are made.

Saline Valley Warm Springs

The Tribe has not specified an outline of cooperative activities/special uses it wishes to negotiate with the NPS. The Tribe anticipates, as noted in the *Secretarial Report* (Volume III, Appendix S), the cooperative activities/special uses would include access for purposes of ceremonial uses, camping, gathering of food and medicinal plants, and to assist the NPS in achieving management objectives. The *Secretarial Report* specifies that cooperative agreements meet both tribal and Park values, needs, and purposes.

Cooperative agreements considered by the Tribe and NPS would be subject to all applicable federal laws, executive orders, departmental guidelines, and management policies and practices. Any future developmental or program action undertaken as a cooperative activity/special use would be subject to an appropriate level of environmental review. Public access would not be eliminated to any land areas that



are selected for cooperative agreements. All existing uses of federal lands will continue if the Timbisha Shoshone Homeland Act is passed, including vehicle access on roads and trails where provided by federal law.

#### Timbisha Shoshone Natural and Cultural Preservation Area Boundary

The spirit and intent of the Timbisha Shoshone Natural and Cultural Preservation Area is to recognize the historical, cultural, and ecological importance of these lands to the Tribe on future Death Valley National Park maps.

The Timbisha Shoshone Natural and Cultural Preservation Area is not a land transfer or a designation; thus, the boundaries are generally depicted. The area extends from near the southwest border of Death Valley National Park along the western axis of the Park, including portions of the Nelson and Panamint Mountain ranges, to the north end of the park. This area is generally depicted on Map 7 (Volume I).

### 3.20 NS—NIGHT SKY

Three comments were received regarding night sky issues in the Centennial area. The comments pertained to the area's light-free night sky, which attracts amateur astronomers to the area, and the fact that, at night, any artificial light source could be seen from California State Route 190 and from areas as far away as Whitney Portal Road, Cottonwood Meadows Road, Onion Valley Road, and portions of the Pacific Crest Trail, John Muir Trail, Sequoia National Park, Golden Trout Wilderness, John Muir Wilderness, and from other trail heads south of Independence and undeveloped roads in the area.

**Comment Letters:** LEIS 111, 231, 235

**Response:** Transfer of lands into trust would not substantially affect visual resources. Lands identified for transfer by the NPS and BLM (with the exception of the Centennial parcel) are near adjacent residential and commercial structures. The transfer parcels (with the exception of Centennial Flat) are in areas where light from residential and commercial uses is part of the nighttime visual environment. The Centennial parcel has no permanent development contributing light to the nighttime visual environment. The only light sources on Centennial Flat are vehicular traffic on State Route 190 and occasional aircraft. If transferred, development for residential or other uses would introduce a light source on Centennial Flat. Although this new light source is recognized, there are currently no applicable policies that identify night sky as a resource value under the California Desert Conservation Area Plan (1980) or amendments. (Additional discussion of the nighttime visual environment is provided in Volume I Chapter 4.1.)

### 3.21 P1—LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT (LEIS) AND THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

Seventy-eight comments were received regarding the choice to use a Legislative Environmental Impact Statement (LEIS) over a full Environmental Impact Statement (EIS). The comments assert that the LEIS format does not provide the same level of analysis and public safeguards as a full EIS and therefore does not adequately address the impacts of legislation components such as development, land use, and water availability; that the LEIS format was chosen in order to avoid dealing with development consequences; that too little time was allotted to prepare the LEIS; that the LEIS cannot be evaluated until the Death Valley National Park Revised Draft EIS/General Management Plan is completed; and that the LEIS has broad implications and sets precedents that need to be thoroughly evaluated.

In addition, the comments included requests to address the cumulative impacts on the area from activities of the NPS, BLM, USFWS, U.S. Air Force, U.S. Forest Service, U.S. Department of Energy (DOE) Nevada Office, and the DOE Yucca Mountain Project and to include in the LEIS the suitability criteria



definitions cited in the *Draft Secretarial Report* (Volume III, Appendix S) and descriptions of any parcels meeting these criteria that could be considered as additional project alternatives.

**Comment Letters:** LEIS 006, 037, 038, 051, 060, 061, 068, 069, 070, 073, 077, 090, 097, 100, 105, 106, 108, 109, 110, 114, 116, 118, 121, 122, 123, 124, 125, 127, 128, 133, 134, 135, 136, 137, 138, 139, 140, 141, 144, 145, 146, 146A, 147, 148, 149, 151, 152, 156, 157, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 177, 178, 179, 181, 184, 185, 186, 187, 188, 193, 196, 197, 229, 230

**Response:** The decision to prepare a Legislative Environmental Impact Statement was made at the departmental level. The action being considered was neither a Park- nor BLM-sponsored project, but rather a collection of actions affecting both agencies (and others) as a consequence of a legislative proposal. An LEIS is consistent with the requirements of NEPA for legislation as discussed in Volume I, Chapter 1.0 of the Draft and Final LEIS.

### **3.22 P2—LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT (LEIS) AND THE DEATH VALLEY NATIONAL PARK GENERAL MANAGEMENT PLAN**

Sixty-nine comments were received regarding the Death Valley National Park Revised EIS/General Management Plan (GMP/EIS). The comments assert generally that the opportunity for the public to evaluate the LEIS is limited by the fact that the GMP was not available for review and requested that the results of the implementation of the "Desert Lands Act" be considered in the public review of the LEIS. In addition, one comment letter asserted that the Saline Preservation Association has been excluded from participating in the public process of preparing the Draft GMP/EIS.

**Comment Letters:** LEIS 021, 023, 042, 048, 054, 069, 071, 073, 083, 100, 102, 105, 106, 108, 110, 117, 118, 121, 122, 125, 127, 128, 132, 133, 134, 135, 136, 137, 139, 140, 141, 144, 145, 148, 149, 151, 152, 156, 157, 158, 159, 160, 161, 162, 164, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 177, 178, 179, 181, 184, 185, 186, 187, 188, 193, 194, 196, 198, 203A, 215B, 220

**Response:**

Death Valley National Park Revised General Management Plan EIS

The legislation for which the LEIS was prepared and is proceeding according to the Congressional timetable. The GMP/EIS is not tied directly or indirectly to the schedule for the LEIS.

Desert Lands Act

It was interpreted that the comment was referring to the California Desert Protection Act (CDPA) of 1994. The LEIS considers environmental consequences of implementing Section 705 (b) of the CDPA.

Saline Preservation Association Participation in GMP

Although NPS is the lead agency for the Timbisha Homeland LEIS, the GMP/EIS is not the subject of the Proposed Action. The Draft GMP/EIS was published and distributed on September 1, 2000. Eleven public workshops are scheduled to occur between October 27 and November 17. Solicitation of public input occurred during scoping for the GMP/EIS; additional opportunity for contributions from organizations and individuals will be available during the public workshops.

### **3.23 P3—TRANSFER OF LAND INTO INDIAN RESERVATION STATUS**

Three comments were received regarding the transfer of public land into Indian Reservation status. The comments assert the LEIS allows an inappropriate transfer of public land to a small special interest group, which has not established any right to the land; that the LEIS ignores the rights of U.S. citizens; and the LEIS plan to allow isolated tribal residences, such as the one proposed for the Centennial parcel, does not



contribute to the goal of creating a "Tribal Homeland" community. One comment letter cited the Pine Ridge Aerial Gunnery Range Act of 1968 as a precedence for a public to reservation land transfer.

**Comment Letters:** LEIS 008, 093, 134

**Response:**

Transfer of Land to a Small Special Interest Group

The United States is considering the transfer of federal lands and acquisition of private lands to be held in trust for the Timbisha Shoshone Tribe by the United States Secretary of the Interior. The transfers and acquisitions would be for the purpose of creating a tribal homeland in and around Death Valley National Park pursuant to the study authorized by Section 705(b) of the California Desert Protection Act of 1994. The Tribe has been federally recognized since 1983, but has no land base. For decades, the Tribe has sought to obtain trust land within its aboriginal homeland. In 1994, Congress enacted the California Desert Protection Act (C.D.P.A., [Public Law 103-433]), including Section 705(b), which began to address the need for a recognized land base for the Tribe. Section 705(b) directs the Secretary of the Interior to conduct a study to identify lands suitable for a reservation for the Timbisha Shoshone Tribe.

As with virtually all Native American groups, the Timbisha Shoshone people were displaced from their ancestral homeland and traditional way of life by the westward expansion of the United States. The Tribe currently has no land base and no formal agreements with federal agencies to use ancestral lands for tribal activities and ceremonies. The establishment of a tribal homeland and viable tribal communities and the development of cooperative agreements would serve to rectify the Tribe's current condition. Establishment of a tribal homeland would allow the Tribe to exercise self-determination as a sovereign nation, establish economic sustainability, and establish tribal eligibility for special programs for the benefit of Native Americans.

The Proposed Action also addresses NPS's need to more fully incorporate the cultural history, values, and activities of the Timbisha Shoshone Tribe into the overall management of Death Valley National Park. The Tribe's occupation of this desert land shaped the cultural practices of the Tribe and left an imprint on the land. The Tribe would play an irreplaceable role in the interpretation of Park features and resources, provide a living link to the distant past, and enrich the experience of Park visitors.

LEIS Ignores the Rights of U.S. Citizens

The LEIS has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969. (42 U.S.C.A. 4332(2)(C); See also 40 C.F.R. 1508.9) Interested parties have had opportunities to provide input during the preparation of the *Secretarial Report* as well as in the Public Scoping phase of the LEIS and the public comment period for the Draft LEIS.

The Draft LEIS was the product of all the activities described above. A total of five public meetings were held in summer 2000 to obtain comments and further refine the LEIS. The LEIS was made available at the Death Valley National Park headquarters, BLM offices, and regional libraries. The establishment of trust lands is similar in effect to the disposal of suitable lands by BLM. In the Park, the majority of land transferred is land already occupied by the Tribe.

Isolated Tribal Residences Don't Meeting Goal of Establishing a Homeland

The identified 640 acres at Centennial was part of the Proposed Action because it meet the suitability criteria as set forth in the *Secretarial Report* (Volume III, Appendix S.) A discussion regarding the established goals and suitability criteria for identifying suitable lands is located in LEIS Volume I, Chapter 2.0.



### 3.24 P4—PROCESS

Fifty-nine comments were received regarding the process used to prepare the LEIS. The comments addressed four topic categories: timely access to the Draft LEIS for public review, Senate Indian Affairs Committee actions, Inyo County's response to and role in the LEIS process, and questions about the LEIS process.

#### Access to the Draft LEIS for Public Review

Comments stated that the LEIS was not released in a timely and consistent manner, citing the fact that not everyone on the mailing list received Volume I of the Draft LEIS; that in many cases Volume II (Appendices) was not included in the public review packet; that the Draft LEIS was not available on line until sometime after it was entered into the *Federal Register* on May 12, 2000; that the Draft LEIS was not readily available at all public libraries in the affected communities; that water rights information missing from the original Draft LEIS public review packet was only available at BLM or Death Valley National Park offices; that many people were not notified of the public meetings held the week of June 12, 2000; and that the LEIS runs contrary to the spirit of the law pertaining to Environmental Impact Statements.

#### Senate Indian Affairs Committee Actions

Comments asserted that the Senate violated the NEPA process by passing the legislation and sending it to the House of Representatives before the public comment period ended on August 5, 2000, and that the Senate Indian Affairs Committee did not receive and consider every public comment letter.

#### Inyo County

Comments asserted that Inyo County was not included in the preparation of the LEIS and that the Inyo County Board of Supervisors did not have sufficient time to evaluate the LEIS between its June 20, 2000, LEIS review session and the end of the public comment period.

#### Process Questions

Comments asked why the U.S. Department of Interior (DOI), which drafted Senate Bill 2102 and sent representatives to testify before the Senate Indian Affairs Committee urging passage of the bill, cannot call for a pause in the legislative process in order to provide remedies for possible environmental impacts ignored in the LEIS; why public comment letters weren't included in the Draft LEIS; if the LEIS is subject to the Freedom of Information Act (FOIA); why federal reserved to water rights aren't being determined in the courts; and requested a series of public meetings about the LEIS in all communities affected by the legislation.

**Comment Letters:** LEIS 054, 072, 073, 083, 105, 106, 108, 110, 118, 121, 122, 125, 127, 128, 132, 134, 137, 139, 140, 141, 144, 145, 148, 149, 151, 152, 153, 156, 157, 158, 159, 160, 161, 162, 163, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 181, 182, 183, 184, 185, 186, 187, 188, 193, 194, 196, 202, 203A, 206, 208, 215A, 231

#### **Response:**

##### Access to the Draft LEIS for Public Review

A Notice of Intent to prepare an LEIS was published in the *Federal Register* in March 2000 and was circulated to local, state, and federal agencies and other interested parties. The Draft LEIS included input from 79 citizens who attended six public meetings held in May 1999 and over 550 public comment letters received during the public scoping period. A Scoping Summary Document was prepared by BLM and NPS that summarizes the results of the public scoping process. The Scoping Summary Document was prepared to identify the issues that are directly related to resource management and the regulatory process that can be addressed by the agencies during the NEPA process. In October 1999, a copy of the 11-page



Scoping Summary Document was mailed to everyone who attended the public meetings or commented during the scoping process.

A series of public meetings were held in summer 2000 to obtain comments and further refine the LEIS. The LEIS was made available at the Death Valley National Park headquarters, BLM offices, and regional libraries. To better manage printing and mailing costs, the Draft LEIS was distributed only to those responding to a mail-back inquiry in February 2000 updating the Death Valley National Park mailing list.

Initially the comment period of the Draft LEIS was scheduled for May 19 through July 30, 2000. The comment period was extended twice: (1) from July 30 to August 10 and (2) from August 10 to August 21. There were delays of up to several days in the mail distribution and in the posting of the document on the BLM website. These factors contributed to the decision to extend the comment period.

#### Inyo County

Inyo County was consulted on the preparation of the Draft LEIS. The LEIS began in May 1999 with a series of public meetings held to define the scope of the LEIS. One of those meetings was held in Lone Pine, California, and attended by two (2) members of the Inyo County Board of Supervisors. Following public scoping, the Tribe, NPS, and BLM appeared before the Inyo County Supervisors on three occasions to update the Board on the Timbisha Shoshone Homeland Act and the preparation of the LEIS. Official notice of the preparation of the LEIS was published in the *Federal Register* and provided to Inyo County in March 2000. Inyo County did not request to be a Cooperating Agency under 40 C.F.R. section 1506.

Inyo County's concern regarding the transfer of private lands to federal ownership has been noted. In light of recent correspondence from one of the private fee owners of the Indian Rancheria, the seller is unwilling to sell, thus Inyo County would not see a tax base loss.

#### Senate Indian Affairs Committee Actions

NEPA regulations described in Volume I Chapter 1 discuss the relationship of the Legislative EIS to Congressional process. The timeline for consideration of the bill (S2102) in the United States Senate and House of Representatives proceeded independently from the NEPA process, with the exception that a draft LEIS needed to be provided to the committee or subcommittee with jurisdiction over the proposal prior to completion of congressional hearings and/or debate. The information presented in the LEIS serves two parallel functions: to provide Congress with information relevant to the proposal for consideration during deliberations; and, to provide the public and the lead and cooperating federal agencies with a document identifying potential environmental consequences of actions brought about by implementation of provisions in the legislation, if passed and signed into law. For purposes of this analysis, the process of consideration and passage of congressional legislation is not otherwise related to NEPA.

#### Process Questions

The California Desert Protection Act (CDPA) Section 705(b) directed the Secretary to conduct studies and identify lands suitable for establishment of a reservation for the Timbisha Shoshone Tribe. The process of studying, considering and selecting parcels suitable for inclusion in a Tribal Homeland occurred over a four-year period. The process included proposals, discussions and negotiations between the tribe and other stakeholders, and extensive public participation. This process lead to submission of the *Draft Secretarial Report to Congress to Establish a Permanent Tribal Land Base and Related Cooperative Activities* to the United States Senate Committee on Energy and Natural Resources and Committee on Indian Affairs, and the Committee on Natural Resources in the United States House of Representatives. The Senate Committee on Indian Affairs subsequently requested drafting services from



DOI to develop a draft legislative proposal which was introduced by Senator Inouye for consideration by the Senate. The draft LEIS accompanied the bill through the legislative process.

### 3.25 SC—SCOPING PROCESS

Fourteen comments were received regarding the scoping process. The comments asked why comment letters received prior to the Senate Indian Affairs Committee hearings were not submitted to the Committee for its consideration; why comment letters received prior to the publication of the Draft LEIS were ignored and not included in the document; if any comment letters were removed from consideration because they were deemed “irrelevant” as indicated by federal representatives at the Lone Pine meeting (August 10, 2000); and how NPS will respond to letters received both prior to and after the publication of the Draft LEIS. In addition, a comment letter requested that the LEIS identify each comment letter, identify each comment, and provide specific responses to each comment.

**Comment Letters:** LEIS 022, 024, 038, 041, 051, 052, 062, 071, 090, 091, 099, 100, 102, 131

**Response:** This Final LEIS provides responses to all substantive comments that were identified in the public comment letters. The Introduction to Volume II describes the process of comment evaluation and response. All comments have been reproduced and are provided in Volume II, Chapter 2.0. Individual letters and the comments that they contain can be traced to a response by using the index in Volume II, Chapter 4.0.

The LEIS is subject to applicable provisions of the Freedom of Information Act. Except for information, which is classified or otherwise exempt under the Act, information contained in the Administrative Record for the LEIS is available upon submittal of required request letter. Fees for government-incurred costs may be charged for requested information.

### 3.26 SE—SOCIOECONOMICS

Eleven comments were received regarding socioeconomic issues. The comments addressed four topic categories: potential reduction of tax revenue to county governments; the effects of the land transfer on population and employment at Furnace Creek; affirmative action; and Centennial development plans.

#### Potential Reduction of Tax Revenue to Inyo County

Comments ask for clarification on whether the Bureau of Indian Affairs (BIA) will reimburse counties for tax revenues lost as a result of the land transfer; if income earned by tribal members working for tribal businesses located on tribal land, tribal businesses located on tribal land, and non-tribal employees working for tribal businesses on tribal land will be exempt from state and federal income taxes; if tribal businesses located on tribal land will be exempt from collecting local sales and hotel room taxes; and if the Tribe will provide its own law enforcement and emergency services.

In addition, comments asked that figures be provided showing how the increased income of tribal members due to economic opportunity provided by the LEIS will generate new sources of tax revenue for the affected counties; that the amount of reduction in “payment in lieu of taxes” (PILT) for the land transfer parcels be included in the LEIS; that the socioeconomic differences between the counties (failing mining industry/minimal resources — Esmeralda and Northern Nye, thriving recreation and agriculture — Inyo, and bedroom community for Las Vegas — Southern Nye) be considered in the LEIS; and that Esmeralda County receive replacement land of an equal acre-dollar value from BLM.



#### Effect on Population and Employment at Furnace Creek

One comment expressed concern that the economic development possibility for Furnace Creek (i.e., residential housing and an inn) would increase the Furnace Creek population by approximately 300 (i.e., 169 tribal residents, 90 inn guests, and 45 non-tribal employees) and that the inn/retail/restaurant jobs created by the inn development are not among those preferred by tribal members (Volume III, Appendix T, *Timbisha Shoshone Tribe "Tribal Needs Assessment and Socioeconomic Profile"*) and would have to be filled by non-tribal employees who would also need housing.

#### Affirmative Action

One comment asked how the NPS will comply with existing federal laws regarding affirmative action, who will set quotas, and how it will be determined when affirmative action goals have been met.

#### Centennial Development Plans

One comment asserted that the determination that residential uses at the Centennial parcel would "generate a negligible demand for public services and supplies" (e.g., police, fire, and emergency medical services) (DLEIS, page 93) would not be true if a casino is built on the Centennial site.

**Comment Letters:** LEIS 111, 126, 192, 194, 202, 204, 218, 230, 231, 235, 238

#### **Response:**

##### Potential Reduction of Tax Revenue to Inyo County

The Tribe would be responsible to pay for any public services provided by the local government except for police services. BLM in Washington D.C. has verified that there will be no decrease in Inyo County's federal "payment in lieu of taxes" (PILT) by the transfer of 1,954 acres of BLM land to the Tribe. BLM's PILT determination is based on the substantial amount of federal lands located in Inyo County and the low population.

Inyo County's concern regarding the transfer of private lands to federal ownership has been noted. In light of recent correspondence from one of the private fee owners of the Indian Rancheria, the seller is unwilling to sell, thus Inyo County should not see a tax base loss.

Under the Preferred Alternative, Inyo County tax base loss would consist of 40 acres of privately owned lands in Saline Valley. The taxed assessed value of this property was last reported to be less than five hundred dollars (\$500.00).

#### Effect on Population and Employment at Furnace Creek

The Preferred Alternative would allow for the development of a planned Community Development Parcel on 314 acres adjacent to Furnace Creek Ranch. These lands are historically significant to the Tribe. The Community Development Parcel would become a tribal gathering place and a center for tribal business and operations. Economic development including a museum, gift shop, and lodging would bring economic benefit to the Tribe. The demand for additional lodging in the Furnace Creek area is undetermined but it is anticipated that additional lodging in the Park would be economically viable.

Additional commercial development in the Park would incrementally increase the demand for public services and supplies, police and fire services, and infrastructure requirements (telephone, electrical power, water supply, and wastewater treatment and disposal). Water and wastewater services would be incorporated into the Park's system and police and fire services would be provided by the Park.

#### Affirmative Action

Section 7(a) of the Timbisha Shoshone Homeland Act provides that for performance of construction, maintenance, interpretation, or other service in Death Valley National Park, that the Secretary shall,



insofar as practicable, give first preference to qualified members of the Tribe. This provision neither mentions nor allows the setting of quotas for hiring tribal members in the Park.

#### Centennial Development Plans

Under the Preferred Alternative, the Centennial parcel would likely be used for residential and small-scale commercial economic activities. The distance of this parcel from State Route 190 would make economic development difficult if it were focused on travelers.

Residential uses at this location would generate a negligible demand for public services and supplies; police, fire, and emergency medical services; or water.

### **3.27 SV—SALINE VALLEY**

Fifty-five comments were received regarding Saline Valley. The comments addressed eight topic categories: the Timbisha Shoshone Tribe's historical and cultural ties to Saline Valley; development in Saline Valley; tribal control of Saline Valley Warm Springs; non-tribal control of Saline Valley Warm Springs; NPS control of Saline Valley Warm Springs; closure of Saline Valley Warm Springs; environmental preservation in Saline Valley; and inaccurate or incomplete information regarding Saline Valley.

#### The Timbisha Shoshone Tribe's Historical and Cultural Ties to Saline Valley

Comments requested details about the tribal cultural resources located at Saline Valley Warm Springs as cited in Draft LEIS Section 3.2.2.1.2; asked for clarification about how the historical tribal presence at Indian Rancheria substantiates the Tribe's historical claim on Saline Valley Warm Springs, which is located ten miles away; and asked why tribal members have not used the springs since before the current non-tribal "volunteer user-group" began in the late 1960s.

#### Development

- Saline Valley: Comments requested that the LEIS specifically prohibit development in Saline Valley and asked if there is any guarantee that the Tribe will not build a casino in the area.
- Saline Valley Warm Springs: Comments asked that, if the intent is to restore the Tribe's ability to use the springs in a traditional manner, the LEIS should contain language that would limit the Tribe's development plans to traditional noncommercial uses only; asked that if commercial development of the springs is a possibility, the LEIS should state that fact in accordance with NEPA; expressed the opinion that giving the Tribe control of the springs constitutes a "grab for a possible economic resource;" and stated opposition to changing current land use parameters, to allowing any modern amenities (including road improvements) at the springs, and to placing the springs under the control of the Tribe, whom letters writers feel is against continued use of the springs for nude bathing by non-tribal visitors.
- Indian Rancheria: Comments mentioned the occurrence of conflicting statements regarding development at Indian Rancheria on pages 14 (same as in the past plus small joint NPS/tribal office), 88 (no development), 93 (limited economic activities are anticipated), 95 (may be developed in the future), and 97 (no specific development is anticipated); and expressed the concern that establishing an Indian Rancheria at Waucoba Springs would necessitate improving Saline Valley Road, which would lead to increased traffic in Saline Valley.

#### Tribal Control of Saline Valley Warm Springs

Comments stated the opinion that allowing cooperative agreements for Saline Valley Warm Springs between the Tribe and NPS means the area will be controlled by a special interest group (the Tribe) and



not be available to all American citizens; and, regarding instituting a cooperative agreement for the springs, asked how it would affect the ability of non-tribal volunteer user-group members to use the springs, if the character of the springs would change, if the Tribe would have full control over the springs, if non-tribal visitors would be banned, if the “clothing optional” practice would be banned, if there will be different access times for tribal and non-tribal users, and if the Tribe will impose its cultural values on other users (e.g., by banning the “clothing optional” practice).

#### Non-Tribal Control of Saline Valley Warm Springs

Comments stated that the current non-tribal volunteer user-group consists of over 1,000 state, national, and international members who for over 50 years have kept the springs, which would otherwise be unusable mud holes, in an environmentally healthy and natural state and maintained roads leading to the springs; stated that the volunteer user-group was not consulted during preparation of the LEIS and that the LEIS does not mention the infrastructure improvements the group has made; asserted that abandoning the volunteer stewardship of the springs, which was established under BLM, is a violation of the California Desert Protection Act of 1994; asserted that the volunteer user-group community has worked to preserve the spirit and nature of the springs and that it has its own spring-based cultural traditions (e.g., communal caretaking of the springs, fireside music sessions, and potluck meals); asked if the volunteer user group will have a voice in the management of the springs under a cooperative agreement; expressed the opinion that the springs are designated as a cooperative agreement area because NPS feels the volunteer user-group cannot manage the springs; and asked that the “clothing optional” practice and vehicle access to existing roads and trails be preserved.

#### NPS Control of Saline Valley Warm Springs

Comments asked that the Saline Valley Warm Springs remain under NPS control to protect the rights, traditions, and access of the long-term community of non-tribal users because the Tribe’s assertion of a historical presence at the springs has not been proved and because public land should benefit all Americans, not special interest groups. In addition, comment letters asked for clarification of what the word *experience* means in the context of the Draft LEIS (page 96), which states, “tribal contributions to management of resources ... would also enhance the experience of visitors.”

#### Closure of Saline Valley Warm Springs

Comments from current non-tribal users of the Saline Valley Warm Springs suggested that closure of the unimproved Upper Warm Springs, where the natural setting is preserved and exposure to current use patterns is minimized, for brief periods to accommodate activities of any special interest group should be limited to the Upper Warm Springs area and include adequate notice to the public.

#### Environmental Preservation

Comments asserted that the environmental consequences of the LEIS regarding Saline Valley Warm Springs cannot be adequately evaluated without access to the soon-to-be-published Death Valley National Park Revised EIS/General Management Plan and that riparian areas in the desert are precious wildlife havens requiring detailed assessment of any management plan.

#### Inaccurate or Incomplete Information

Comments noted that the Draft LEIS does not make clear which specific areas of Saline Valley would be transferred into tribal control; the Draft LEIS states that Saline Valley Warm Springs is near Indian Rancheria when in fact it is ten miles away; the Draft LEIS does not describe the improvements non-tribal volunteer user-group members have made at the springs over the last 50 years; the Draft LEIS states that plant communities at Saline Valley Warm Springs and Indian Rancheria are similar when in fact they are different; the Draft LEIS does not contain an “on-the-ground” plant and wildlife inventory; and that the Draft LEIS contains contradictory statements regarding Saline Valley Warm Springs on page 16: “The Tribe no longer uses the springs because current visitor use is incompatible with the tribal values



associated with the springs” and “The area is suitable for special tribal uses because of the historic and cultural use of the area and the historical relationship of the Tribe to the area. The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs.”

**Comment Letters:** LEIS 001, 006, 012, 014, 015, 016, 018, 029, 035, 041, 042, 043, 044, 050, 062, 064, 065, 066, 070, 072, 074, 075, 076, 077, 078, 079, 080, 081, 082, 084, 085, 086, 087, 088, 089, 091, 092, 093, 094, 095, 096, 098, 103, 114, 143, 183, 194, 198, 199, 202, 205, 206, 220, 221, 230, 234, 235

**Response:**

The Timbisha Shoshone Tribe's Historical and Cultural Ties to Saline Valley

The Saline Valley Warm Springs were highly valued and widely used for healing and medicinal purposes by the older generation of contemporary tribal members. The Timbisha Shoshone who used them within living memory were the members of the Hunter family from lower Saline Valley. Sarah Hunter actually planted the palm trees at Palm Spring, bringing them from Death Valley. She also herded horses in that area, considering it part of the Hunter Ranch range. Even though these hot springs continue to have spiritual significance to the Timbisha Shoshone people, they are not currently used for organized tribal activities or ceremonies.

Development at Saline Valley, Saline Valley Warm Springs, and Indian Rancheria

The Tribe has not specified an outline for tribal development. The Tribe has recently created a Tribal Economic Development Committee that will begin to evaluate what economic development opportunities may be available to the Tribe. The goal of the Tribal Economic Development Committee is to prepare a comprehensive planning document that will guide the Tribe's development once a land base is acquired.

The Tribe and NPS wish to establish a greater tribal presence at the springs and will develop and conduct a pilot demonstration project regarding management of the springs. These agreements would provide the Tribe with access to and use of certain specified areas under the jurisdiction of NPS with the intent of maintaining and enhancing the biological and cultural values of those areas. All cooperative agreements would conform to objectives described in Death Valley National Park Management Plan, and shall comply with applicable state and federal regulations. Cooperative activities will be consistent with the purpose and values for which Death Valley National Park was established.

The level of use envisioned at Indian Rancheria is residential at approximately the same level that has existed in the past, which included family residences and limited agricultural uses. In addition, there may be a small joint NPS/tribal office for visitor information and resource management for the Saline Valley portion of the Park.

Tribal Control of Saline Valley Warm Springs

Lands that may be subject to future cooperative agreements/special uses (including Saline Valley Warm Springs) will continue to be managed under the NPS jurisdiction consistent with the purpose and values for which Death Valley National Park was established. Access to the Park by the public, including other Native Americans, would not be denied as a result of the passage of the Timbisha Shoshone Homeland Act. All existing uses of federal lands will continue if the Timbisha Shoshone Homeland Act is passed, including vehicle access on roads and trails where provided by federal law.

Non-Tribal Control of Saline Valley Warm Springs

All Park lands in Saline Valley, within the boundaries of Death Valley National Park, are and will continue to be managed by NPS. The LEIS states this in Volume I, Chapters 1.0 and 2.0. Cooperative agreements, if negotiated, would be consistent with the purpose and values for which Death Valley National Park was established.



### NPS Control of Saline Valley Warm Springs

Lands that may be subject to future cooperative agreements/special uses (including Saline Valley Warm Springs) will continue to be managed under NPS jurisdiction consistent with the purpose and values for which Death Valley National Park was established.

### Closure of Saline Valley Warm Springs

Access to the Park by the public, including other Native Americans, would not be denied as a result of the passage of the Timbisha Shoshone Homeland Act. All existing uses of federal lands will continue if the Timbisha Shoshone Homeland Act is passed, including vehicle access on roads and trails where provided by federal law.

### Environmental Preservation

If the GMP prescribes (and adopts) certain policies and practices for riparian areas, or for Saline Valley Warm Springs in particular, those policies would become part of the parameters for negotiating cooperative agreements with the Tribe.

### Inaccurate or Incomplete Information

Clarifying language has been added to the text of Volume I, Chapters 1.0 through 4.0. Clarifications are in underlined text.

## 3.28 TR—TRONA

Two comments were received regarding Trona. One comment asked that the town of Trona be added to Maps 7, 8, and 9 in Volume I. One comment expressed the concern that implementing the Timbisha Shoshone Homeland Act could adversely affect Trona-area businesses and residents.

**Comment Letters:** LEIS 017, 238

**Response:** Comments noted. The establishment of Tribal lands in trust is the standard approach taken by the United States for structuring reservation lands. The transferred lands will be held by the Secretary of the Interior and administered by the Bureau of Indian Affairs. A primary benefit of this approach is that the lands cannot be sold or transferred outside of the Tribe and the heirs of the current Tribal members.

## 3.29 T1—TRUST

Five comments were received regarding the proposal to have the U.S. Department of the Interior hold the land in trust for the Tribe. The comments suggested that the trust model should be evaluated for its legality; requested that tribal members remain subject to the same state and federal laws that apply to U.S. citizens; asked why the Draft LEIS does not contain alternative proposals; and asked why the land is not being given to the Tribe in a deeded title with the stipulation that the land cannot be transferred, traded, or sold.

**Comment Letters:** LEIS 019, 027, 030, 031, 032

**Response:**

The establishment of Tribal lands in trust is the standard approach taken by the United States for structuring reservation lands. The transferred lands will be held by the Secretary of the Interior and administered by the Bureau of Indian Affairs. A primary benefit of this approach is that the lands cannot be sold or transferred outside of the Tribe and the heirs of the current Tribal members.



### 3.30 WL—WILDLIFE

Five comments were received regarding wildlife. The comments asserted that the Draft LEIS does not contain a current inventory of plant and animal species on the Centennial parcel and that the parcel has the potential for special-status species; requested that surveys be conducted at the appropriate time of year using standardized protocols for the desert tortoise, Mohave ground squirrel, and riparian birds; requested that the DOI and Tribe work with qualified bat biologists when developing cooperative agreements to preserve populations of Townsend's big-eared bats roosting in abandoned mines on the Lida Community parcel; and requested that the "significant biological resources" of Black Springs and other springs in the Coso Range be protected when developing cooperative agreements.

**Comment Letters:** LEIS 112, 193, 206, 212, 231

#### **Response:**

##### Current Inventory of Plant and Wildlife Species

Field surveys were conducted to adequately access flora and fauna that may exist on the Centennial parcel. Surveys were conducted on January 18 through 21 and February 23 and 24, 2000, to characterize plant communities, associated flora, and wildlife habitats.

Potentially affected wildlife at the Centennial parcel was characterized by site reconnaissance surveys conducted on January 18 through 21 and February 23 and 24, 2000, by Harding Lawson Associates (HLA); follow-up surveys were performed for the Mohave ground squirrel and Mojave desert tortoise. (Volume III, Appendix X.)

##### Plant and Wildlife Study Methodologies

Plant and wildlife surveys were completed by qualified biologists working in consultation with resource staff from NPS, BLM, and USFWS. Plant and wildlife study methodologies are provided in Volume I, Sections 3.6.1.3 and 3.7.1.3 and Volume III, Appendices X, Y, and Z.

Follow-up surveys were performed on June 21, June 22, and July 4 through August 7, 2000, for the Mohave ground squirrel and Mojave desert tortoise. (For a discussion of survey methodologies, see Volume I Chapter 3.0 and Volume III, Appendices X, Y, and Z.)

##### Cooperative Agreements Protecting Critical Habitat and Special-Status Species

Cooperative activities and agreements entered into between the Tribe, NPS, and BLM would be subject to all applicable federal laws and regulations, including the Endangered Species Act (ESA) and other statutes protecting critical habitat and special-status species. Numerous acts, codes, rules, and regulations involving environmental issues are referenced in Volume I, Chapters 3.0 and 4.0. Applicable acts, codes, rules, and regulations are provided in Volume III, Appendix J, "Applicable Laws for Environmental Protection."

The LEIS Volume I, Chapter 2.0, Section 2.2.1 identifies traditional camping, not campground construction. The development of a tribal resource management office would occur within the existing compound supporting the Wildrose Range Station.



### 3.31 WR—WILDROSE

Two comments were received regarding Wildrose. The comments assert that building campgrounds and allowing hunting at Hunter Mountain and Wildrose is inconsistent with the Wilderness designation of these areas and request that housing trailers not be allowed at Wildrose.

**Comment Letters:** LEIS 011, 014

**Response:** The Timbisha Shoshone Homeland Act prohibits the Tribe from taking wildlife in the Park. (See Section 5(e)(3)) Because of this statutory prohibition on the taking of wildlife in the Park, NPS determined that there was no reason or cause to include an impact discussion on this issue in the LEIS. Moreover, the Timbisha Shoshone Homeland Act provides that all cooperative activities and agreements entered into between the Tribe, NPS, and BLM would be subject to all applicable federal laws and regulations, including the Wilderness Act (Section 5(e)(5)(D)(ii)). Numerous acts, codes, rules, and regulations involving environmental issues are referenced in Volume I, Chapters 3.0 and 4.0. Applicable acts, codes, rules, and regulations are provided in Volume III, Appendix J, "Applicable Laws for Environmental Protection." Accordingly, hunting would not be allowed within Death Valley National Park. No permanent improvements are associated with traditional camps that may be used by the Tribe.

### 3.32 W1—DARWIN

Sixteen comments were received regarding Darwin. The comments stated that there are no wells or groundwater available in Darwin; stated that Darwin gets its water by pipe from a Coso Range spring seven miles away at a rate of approximately 30 gallons-per-minute, which has led to the current ten-year-old building moratorium; stated that there is a lack of scientific data about the effects of Centennial water use on Darwin residents and wildlife and plants at nearby springs; expressed concern that Centennial water use will negatively affect Darwin residents and wildlife and plants at nearby springs; stated that the test well at Centennial did not yield results, and asked that no Centennial land transfer be made until adequate studies are conducted of the water situation at the site.

**Comment Letters:** LEIS 005, 007, 021, 039, 043, 051, 060, 067, 068, 072, 082, 126, 151, 176, 191A, 206, 235, 238

**Response:**

Additional information regarding water resources for the community of Darwin is provided in Volume I, Chapter 4, Section 4.3.1, page 94, reflecting corrected and updated information regarding the Centennial parcel and the potential relationship between groundwater on Centennial Flat and the existing water supply to Darwin originating at Coso Spring. The LEIS corrected information relative to water supply wells in and around Darwin to indicate that there are wells, but none that contribute to the community water supply. A technical report describing known information regarding the groundwater system has been incorporated into Volume III as Appendix V. The technical report evaluated geology and known hydrogeology of the region, concluding that current information does not support the hypothesis that groundwater underlying Centennial Flat is hydrologically connected with Coso Spring.

The issue of water at the Centennial parcel and the potential connection to the water supply for Darwin has been obviated by recent findings at the exploratory well installed north of the proposed transfer parcel. BOR has concluded that an adequate supply to support development at any scale does not exist in the immediate area, rendering the parcel unsuitable for transfer. Volume I, Chapter 4, Section 4.3.1 of the final LEIS has been modified to reflect that finding. The conclusions of BOR are provided in Volume III, Appendix W. The legislation calls for the Secretary of Interior to identify a site of similar size, in the same general geographic area, that can provide an adequate water supply within two years.



### 3.33 W2—WATER STUDIES AND WATER RIGHTS

Twenty-eight comments were received regarding water studies and water rights. The comments addressed three topic categories: inaccurate or incomplete information about water issues; the impact of the proposed water use at Centennial; and water rights.

#### Inaccurate or Incomplete Information

Comments stated the LEIS is missing information on water studies concerning the effects of pumping groundwater at Centennial, on water rights for Darwin and riparian areas along the southern shore of Owens Lake, and spring flow data from the U.S. Navy at China Lake; contains conflicting numbers for the distance between Centennial and Black Rock Springs; draws invalid conclusions based on failed well tests and false assumptions (e.g., that there are wells at Darwin when there are not; that Centennial and Darwin are located in separate groundwater flow systems even though the area contains faults); cannot verify that the 6.2 gallons-per-minute flow rate needed for residences at Centennial is available; quotes a per-household water usage rate for Centennial residences that is twice the usage rate in Darwin; and that the LEIS does not include guarantees that springs designated as a water source for Centennial would have priority allocation for ecosystem maintenance and provisions to help Darwin meet the legal cost of litigating and resolving any problems that might arise.

#### Impact of Centennial Water Use

Comments stated the LEIS does not adequately address cumulative impacts of water use at Centennial on surrounding water resources and riparian wildlife; does not resolve questions about water availability; does not provide a complete environmental assessment of the consequences of Centennial water use; and suggested closing the Furnace Creek golf course to increase water resources.

#### Water Rights

Comments stated that the water rights of Darwin and Death Valley National Park (pursuant to Section 706 PL 103-433) must be given specific protection; asked that a fair and binding dispute resolution process be included in the LEIS; asked for an LEIS discussion of the various water rights of all the parties at Furnace Creek and how LEIS water allocations will affect them; and asked that the Tribe be given adequate water rights to prosper and grow on in the Timbisha Shoshone Natural and Cultural Preservation Area.

**Comment Letters:** LEIS 025, 028, 030, 031, 032, 035, 037, 041, 042, 049, 054, 067, 068, 069, 072, 077, 082, 099, 100, 107, 119, 134, 193, 194, 197, 205, 211, 229, 230, 231, 235, 236

#### **Response:**

##### Inaccurate or Incomplete Information

Water resources have been evaluated on each of the parcels designated for transfer to the Tribe. Water reports and studies relied upon in preparing the water analysis for the LEIS can be found at Volume III, Appendices E, R, V, and W. NPS, BLM, and BOR are confident that the water analysis in the LEIS supports the water quantification for the parcels selected by the Tribe.

##### Impact of Centennial Water Use

A technical report (Volume III, Appendix V, *Technical Report: Darwin Water Supply and Lower Centennial Flat Water Resource Evaluation*) evaluated the potential relationship between groundwater at Centennial Flat and springs in the Coso and Argus Ranges south and east of Centennial Flat. The Technical Report concluded that geological conditions between the spring complex in the mountain south and east of the Centennial parcel made a hydrological connection between these areas very unlikely. Recent information concerning the exploratory well indicates that a sustainable water source is not present. The LEIS concluded that the parcel was not suitable for transfer without an adequate water supply. The legislation calls for the Secretary to identify a site with adequate water within two years.



### Water Rights

The draft and final LEIS provide detailed information regarding existing water rights at Furnace Creek in Death Valley National Park and at Centennial Flat. The water supply allocated to the Tribe at Furnace Creek will be developed through a combination of conservation measures and system upgrades, providing the specified annual volume without development of new sources or additional removals from existing sources. Specific protections for the water supply to the community of Darwin have been obviated by the determination that the Centennial parcel is not suitable for transfer on the basis of inadequate water supply. Should another parcel in the general area, with an adequate water supply be identified, water rights associated with that parcel would be determined in compliance with California law. Further evaluation of water rights for the yet-to-be identified parcel would be speculative.

The LEIS does not specify a process for resolving water rights disputes. Water rights disputes would be resolved according to the laws governing groundwater resources in the state in which the dispute would occur.

With the exception of minor water use at the Wildrose Tribal Resource Management Office, no water use is projected to occur associated with cooperative activities in the Timbisha Shoshone Natural and Cultural Preservation Area.



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## 4.0 USER'S GUIDE

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The indices for Volume II of the *Timbisha Shoshone Homeland Final Legislative Environmental Impact Statement* (LEIS) provide the reader with three options for finding information about their individual comments as well as other comment letters received during the public comment period.

### 4.1 Index by Author

The "Index by Author" section provides, in alphabetic order, a list of comment letters by author name. The author names have been listed by: government agency, public organization, and individual. The LEIS number for each author's letter or letters and the page number have also been provided.

### 4.2 Index by LEIS Letter Number

The "Index by LEIS Letter Number" section provides the LEIS letter number in numerical order, the author name, and a list of the coded comments for each letter.

### 4.3 Index by Topic

The "Index by Topic" section provides the topic of concern code and code title (e.g., AQ / Air Quality) followed by a list of all public comment letters that contain the code.



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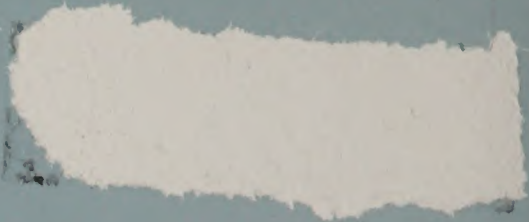


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